



Agency Legislative Proposal - 2022 Session

Document Name: 10012021_DOAG_Agricultural Development and Innovation

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Department of Agriculture

Liaison: Kayleigh Royston

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E-mail: Kayleigh.Royston@ct.gov

Lead agency division requesting this proposal: Bureau of Agricultural Development and Resource Conservation, Bureau of Regulatory Services, Bureau of Aquaculture

Agency Analyst/Drafter of Proposal: Kayleigh Royston

Title of Proposal: AAC Agricultural Development and Innovation

Statutory Reference: [Click here to enter text.](#) 22-11c, 22-11e, 22-26e, 22-26bb, 26-192m

Proposal Summary:

[Click here to enter text.](#)

This proposal updates the definition of “aquaculture” to include “longlines” as reflective of current industry use. Sec. 22-11c

This proposal repeals Sec. 22-11e. Interagency Aquaculture Coordinating Committee- this committee is not active.

Reconstitutes and restructures the Governor’s Council on Agricultural Development to the “Governor’s Council on Agricultural Innovation.” This proposal redefines the goals of the council, restructures the appointments to the board and outlines new goals and metrics for the council. (Sec. 22-26e)

This proposal allows for the subdivision of PDR (Purchase of Development Rights) properties, as approved by the commissioner of Agriculture. (Sec. 22-26bb)

Adds the requirements to producers selling eggs of their own producing direct to household that the eggs must be clean, stored at an ambient temperature of not greater than forty-five



degrees and not adulterated. The eggs must be labeled to include the producers name and address, type of eggs, quantity, and safe handling instructions. (Sec. 22-47)

This proposal repeals Sec. 26-192m. Aquaculture Advisory Council- this council was never seated and is not active.

This proposal includes the processing of rabbits for consumption. (*new*)

This proposal includes the creation of a "CT Grown" license plate to support and promote Connecticut agriculture. (*new*)

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?*
- (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?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

[Click here to enter text.](#)

Sec. 22-26e would reconstitute and restructure existing council under the Department of Agriculture to advantageously meet the needs of the industry by supporting innovative methods of agriculture.

Sec. 22-26bb is an effort to increase farmland access for new and beginning farmers by allowing future farmland preservation easements to be subdivided at the discretion of the commissioner of agriculture.

Allowing the processing or rabbits for consumption adds an additional food source, as well as additional production yield for the state.

◇ 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?*

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Sec. 22-26bb was submitted in the 2021 legislative session and was removed by committee prior to the bill being raised, citing additional information was necessary. The Department met with committee leadership to discuss the benefits and further explain the concept.

PROPOSAL IMPACT

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

| |
|---|
| Agency Name: Department of Motor Vehicles Agency Contact (name, title, phone): Millie Ferguson-Torres Date Contacted: 9/8/21 |
| Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing |
| Summary of Affected Agency's Comments Click here to enter text. |
| Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

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

| |
|--|
| Municipal <i>(please include any municipal mandate that can be found within legislation)</i> There will be no municipal impact |
| State Click here to enter text. Additional revenue from the proposed "CT Grown" license plates. Increase in revenue to the general fund based on rabbit producer license and production. |
| Federal Click here to enter text. |
| Additional notes on fiscal impact |



Click here to enter text.

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

Click here to enter text.

◇ **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.

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Insert fully drafted bill here

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Sec. xx

Section xx

Sec. 22-11c. Aquaculture development. Definitions.

(a) As used in sections 22-11d to 22-11f, inclusive, “aquaculture” means the controlled rearing, cultivation and harvest of aquatic plants and animals in land-based and marine-based culture systems, tanks, containers, impoundments, floating or submerged nets or pens, longlines, and ponds.

(b) For purposes of this chapter “agriculture”, as defined in subsection (q) of section 1-1, shall include aquaculture.

Section xx

Sec. 22-11e. Interagency Aquaculture Coordinating Committee

Section 22-11e is repealed.

(a) There shall be an Interagency Aquaculture Coordinating Committee comprised of the Departments of Agriculture, Energy and Environmental Protection, and Economic and Community



Development to provide for the development and enhancement of aquaculture in this state. The Commissioner of Agriculture shall serve as chairperson of said committee and shall convene the committee as often as he deems necessary.

(b) On or before October 1, 1995, the Interagency Aquaculture Coordinating Committee shall develop a comprehensive strategy for the development of aquaculture in this state.

Sec. xx

Sec. 22-26e. Governor's Council on Agricultural [Development] Innovation.

Section 22-26e is repealed and following substituted (Effective from passage)

(a) There is hereby established a Governor's Council for Agricultural [Development] Innovation, within the Department of Agriculture for administrative purposes only, for advisory purposes only, consisting of the following members: (1) The Commissioner of Agriculture, who shall serve as the chairperson of the council, (2) the dean of the College of Agriculture, Health, and Natural Resources at The University of Connecticut, or the dean's designee who shall serve as co-vice-chair, (3) the chairperson of the [Connecticut Milk Promotion Board] Connecticut Farm Bureau, or the chairperson's designee, (4) six members appointed by the Governor[, who shall each be actively engaged in agricultural production], (5) one member appointed by the speaker of the House of Representatives, [who shall be engaged in agricultural processing,] (6) one member appointed by the president pro tempore of the Senate, [who shall be engaged in agricultural marketing,] (7) one member appointed by the majority leader of the House of Representatives, [who shall be engaged in agricultural sales,] (8) one member appointed by the majority leader of the Senate, [who shall be from a trade association,] (9) one member appointed by the minority leader of the House of Representatives, [who shall be from the green industry, and] (10) one member appointed by the minority leader of the Senate[, who shall be actively engaged in agricultural education] and (11) the Director of the Connecticut Agricultural Experiment Station who shall serve as co-vice-chair.

(b) The council shall make recommendations to the Department of Agriculture on ways to increase [the percentage of consumer dollars spent on Connecticut-grown fresh produce and farm products, including, but not limited to, ways to increase the amount of money spent by residents of the state on locally-grown farm products, by 2020, to not less than five per cent of all money spent by such residents on food] agriculture in Connecticut by developing innovative market opportunities including urban agriculture, integration and adoption of new technology, controlled environment agriculture, and diversification of products and opportunities. The council shall also make recommendations concerning the development, diversification and promotion of [agricultural products, programs and enterprises] agriculture in this state and shall provide for an interchange of ideas from the various commodity groups and organizations represented.

(c) The council shall meet not less than once per calendar quarter, or as often as deemed necessary. Any vacancy in the membership of the council shall be filled by the [Governor]commissioner of agriculture. The members shall serve without compensation or reimbursement for expenses. Any member absent from more than two meetings in a calendar year shall be deemed to have resigned.



Sec. xx

22-26bb. Definitions

Subsection (d) of Section 22-26bb is repealed and following substituted (Effective from passage):

(d) "Development rights" means the rights of the fee simple owner of agricultural land to develop, construct on, sell, lease or otherwise improve the agricultural land for uses that result in rendering such land no longer agricultural land, but shall not be construed to include: (1) The uses defined in subsection (q) of section 1-1, (2) the rights of the fee owner of agricultural land to develop, construct on, sell, give or transfer in any way the property in its entirety, or any part thereof, lease the property in its entirety, or any part thereof, for a term of less than twenty-five years or otherwise improve the agricultural land to preserve, maintain, operate or continue such land as agricultural land, including but not limited to construction thereon of residences for persons directly incidental to farm operation and buildings for animals, roadside stands and farm markets for sale to the consumer of food products and ornamental plants, facilities for the storing of equipment and products or processing thereof or such other improvements, activities and uses thereon as may be directly or incidentally related to the operation of the agricultural enterprise, as long as the acreage and productivity of arable land for crops is not materially decreased and due consideration is given to the impact of any decrease in acreage or productivity of such arable land upon the total farm operation, except that new construction or modification of an existing farm building necessary to the operation of a farm on prime farmland, as defined by the United States Department of Agriculture, of which the state has purchased development rights shall be limited to not more than five per cent of the total of such prime farmland, (3) the rights of the fee owner to provide for the extraction of gravel or like natural elements to be used on the farm for purposes directly or incidentally related to the operation of the agricultural enterprise or (4) the existing water and mineral rights, exclusive of gravel, of the fee owner;

Sec. xx

Sec. 22-47

Section 22-47 is repealed and following substituted (Effective upon passage):

Sec. 22-47. Exemptions. Producers selling eggs of their own producing direct to household users are exempt from the provisions of this part; provided, (1) such eggs shall be clean, stored at an ambient air temperature of not greater than forty-five degrees Fahrenheit and are not adulterated, and (2) the label shall contain the producer's name and address, the type of eggs if not chicken eggs, the quantity of eggs, safe food handling instructions and 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

Sec. 26-192m. Aquaculture Advisory Council. Membership. Duties. Annual Report.

Section 26-192. is repealed

(a) There is established the Aquaculture Advisory Council. Such council shall be composed of the following members: (1) Three appointed by the Governor, one of whom shall be a representative of the shellfisheries industry who is licensed to operate less than one thousand acres of shellfish beds, one of whom shall be a representative from a marine habitat conservation organization and one of whom shall be a scholar in marine studies; (2) two appointed by the speaker of the House of Representatives, one of whom shall be a chief executive officer of a coastal municipality that is located west of the Connecticut River; (3) one appointed by the president pro tempore of the Senate who shall be a recreational shellfisherman; (4) one appointed by the majority leader of the House of Representatives who shall be a chief executive officer of a coastal municipality that is located east of the Connecticut River; (5) one appointed by the majority leader of the Senate who shall be a representative of the shellfisheries industry who is licensed to operate two thousand five hundred acres or more of shellfish beds; (6) one appointed by the minority leader of the House of Representatives who shall be a representative of a shellfish commission; (7) one appointed by the minority leader of the Senate who shall be a representative of the shellfisheries industry who is licensed to operate one thousand or more but less than two thousand five hundred acres of shellfish beds; (8) the Commissioner of Agriculture, or the commissioner's designee; (9) the Commissioner of Public Health, or the commissioner's designee; and (10) the Commissioner of Energy and Environmental Protection, or the commissioner's designee. Appointments shall be made not later than October 1, 2015. The Governor shall designate the chairperson of the council and the council shall elect a vice-chairperson from among its members. The council shall be located in the Agricultural Experiment Station for administrative purposes only.

(b) The Aquaculture Advisory Council shall: (1) Develop a recommended plan to expand the shellfish industry in Connecticut; (2) provide recommendations on procedures for the public availability of maps indicating the names of state shellfish bed lessees; (3) review the state shellfish leasing process and make recommendations to the Governor and to the joint standing committee of the General Assembly having cognizance of matters relating to the environment for any recommended changes to such leases or lease processes; (4) review health and safety standards pertaining to the state's shellfish industry; (5) review existing laws and procedures pertaining to recreational shellfishing in Connecticut; (6) review other coastal states' laws and regulations pertaining to shellfish sizes and make recommendations for changes to Connecticut's shellfish size law; (7) coordinate with other states to inform recommendations on how to further develop the state's shellfish industry; and (8) provide recommendations on policies of the Department of Agriculture's Bureau of Aquaculture.



(c) The advisory council shall meet quarterly. Not later than July 1, 2016, and annually thereafter, the council shall submit a report on the status of the state's shellfish industry and any attendant recommendations to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to the environment, in accordance with the provisions of section 11-4a.

Section xx

(New) *(Effective July 1, 2022)*

(NEW) An Act Permitting the Processing of Rabbits for Food Production (Effective July 1, 2022) The Commissioner of Agriculture shall be the state official in charge of inspecting any producer and any producer that also operates as a rabbit processing facility. Any inspection conducted pursuant to this section by the Commissioner, or Commissioner's designated agents, shall be consistent with the requirements of any applicable provision of the Code of Federal Regulations, including, but not limited to, any health, sanitary and safety-related provision. Rabbit processing facilities that have passed Department of Agriculture facility inspections pursuant to this section shall be designated as approved food sources for household consumers, restaurants, hotels, boarding houses and retail food establishments. For purposes of this section, "producer" means any person, firm or corporation engaged in the breeding, raising or keeping of not more than one thousand rabbits in a calendar year for the purpose of food production.

Sec. xx

(NEW) *(Effective July 1, 2022)*

(a) On and after January 1, 2023, the Commissioner of Motor Vehicles shall issue CT Grown number plates of a design to enhance public awareness of the state and local efforts to raise awareness of CT Grown and Connecticut agriculture. The Connecticut Department of Agriculture shall design the number plates and the Commissioner of Motor Vehicles shall agree on the design. No use shall be made of such plates except as official registration marker plates.

(b) The Commissioner of Motor Vehicles shall establish, by regulations adopted in accordance with chapter 54 of the general statutes, a fee to be charged for CT Grown number plates in addition to the regular fee or fees prescribed for the registration of a motor vehicle. The fee shall be for such number plates with letters and numbers selected by the Commissioner of Motor Vehicles. The Commissioner of Motor Vehicles may establish a higher fee for: (1) Such number plates which contain letters in place of numbers as authorized by section 14-49 of the 2006 supplement to the general statutes in addition to the fee or fees prescribed for plates issued under said section 14-49; and (2) such number



plates which are low number plates, in accordance with section 14-160 of the general statutes, in addition to the fee or fees prescribed for plates issued under said section 14-160. All fees established and collected pursuant to this section shall be deposited in the CT Grown account.

(c) No additional renewal fee shall be charged for renewal of registration for any motor vehicle bearing CT Grown number plates which contain letters in place of numbers, or low number plates, in excess of the renewal fee for CT Grown number plates with letters and numbers selected by the Commissioner of Motor Vehicles. No transfer fee shall be charged for transfer of an existing registration to or from a registration with CT Grown number plates.

(d) The Commissioner of Motor Vehicles, in consultation with the Commissioner of Agriculture, shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to establish standards and procedures for the issuance, renewal and replacement of CT Grown number plates.

Agency Legislative Proposal - 2022 Session

Document Name: 10012021_DOAG_Regulatory Services

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

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| State Agency: Department of Agriculture |
| Liaison: Kayleigh Royston Phone: 860-803-0347 E-mail: Kayleigh.Royston@ct.gov |
| Lead agency division requesting this proposal: Bureau of Regulatory Services |
| Agency Analyst/Drafter of Proposal: Kayleigh Royston |

Title of Proposal: An Act Concerning Regulatory Services

Statutory Reference: 22-9, 22-61d, 22-272b, 22-327, 22-329a, 22-338, 22-339, 22-339a, 22-339c, 22-340, 22-342, 22-344f, 22-345, 22-347, 22-349, 22-352, 22-358, 22-359, 22-364b, 22-380l, 26-57a



Proposal Summary:

[Click here to enter text.](#)

This proposal repeals Sec. 22-9. Supervision of Institutional Farms as there are no longer state-owned institutional farms. (Sec. 22-9)

This proposal requires seeds sold for agricultural, vegetable, or lawn/turf purposes must be properly labeled and sellers must be registered. (Sec. 22-61d)

This proposal includes minor definitional changes pertaining to domestic animals (Sec. 22-327)

This proposal amends the vesting of ownership of an animal that is subject to seizure in custody of neglected or cruelly treated animal cases and amends required posted bond amounts. (Sec. 22-329a)

This proposal moves the inspection responsibility of town-issued kennel licensees to the town in which the kennel is located. (Sec. 22-342)

This proposal modifies existing statutes pertaining to quarantine, restraint, and disposal language of domestic animals causing damage, and pertaining to the control of rabies. (Sec. 22-358)

Updates language as it relates to service animals and control of animals in proximity to service animals to conform with federal language. (Sec. 22-364b)

This proposal modifies the import statute for reindeer. (Sec. 26-57a)

This proposal would streamline the dog licensing structure and moves to a statewide licensing scheme. Tags would be issued by the Department of Agriculture in lieu of the towns in which the dog resides and assume the responsibility as such. (22-338, 22-339, 22-339a, 22-339c, 22-340, 22-345, 22-347, 22-349, 22-352, 22-380)

This proposal also updates the fee requirements and amount paid to towns for dog licensure.

PROPOSAL BACKGROUND

◇ Reason for Proposal



Please consider the following, if applicable:

- (5) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (6) 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?
- (7) Have certain constituencies called for this action?
- (8) What would happen if this was not enacted in law this session?

[Click here to enter text.](#)

This proposal meets the current standards for veterinary care, livestock management, food safety, and rabies prevention. In terms of changes to federal law, this proposal reflects the federal law changes for service animals, causing a necessary update to Connecticut statutes to reflect those standards.

This proposal includes a concept which would increase the percentage of dog owners who register their dog by streamlining the registration process, allowing electronic registration, consistent registration practices, and decreasing the burden on town administrators.

The increase in dog registrations is projected to amount to \$5million in annual revenue to the state of Connecticut, with little additional funding needed to the Department of Agriculture. These additional registrations create safer communities for Animal Control Officers, and the communities they serve by providing them reliable information on whether there are dogs on the property or dogs that may be missing. Each municipality is required to survey the town and report any potentially unlicensed dogs, but this information is not submitted to the Department of Agriculture formally- it is requested on a town by town basis when audited.

In 2021, there were 200,000 dogs licensed in Connecticut, however, the American Veterinary Medical Association estimated 466,000 dogs in Connecticut in 2016. Increased access and ease of registration would likely contribute to increased compliance.

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

If this is a resubmission, please share:

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

[Click here to enter text.](#)

Sections pertaining to 22-358 and 22-359 were proposed during the 2021 legislative session but were removed due to the complex nature of the language. Outreach to the legislature has occurred in the interim to support this language.

Without a number of these revisions, the statutes would continue to be vague, outdated, and difficult to execute and enforce.



In regards to updates to service animal language, changes have been made in both other states and at the federal level to reflect current language for both the service animals and owners.

PROPOSAL IMPACT

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

Agency Name: Department of Energy and Environmental Protection
Agency Contact (name, title, phone): Jenny Dickson (DEEP Wildlife Division), James Albis
Date Contacted: 08/10/2021

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

Summary of Affected Agency's Comments

[Click here to enter text.](#) DEEP Wildlife Division and DOAG have had ongoing conversations to streamline/clarify the process for the short-term importation of reindeer.

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

PROPOSAL IMPACT

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

Agency Name: Office of Policy and Management
Agency Contact (name, title, phone): Sophie Kainen
Date Contacted: Ongoing

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

Summary of Affected Agency's Comments

OPM and DOAG have been in communication to discuss this proposal, including the increase in projected revenue, and additional support needed by the Department to implement this proposal.

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)*

(Dog Licensing Proposal)- Municipalities currently keep \$1 per dog license plus a percentage of revenue from each tag sold. However, municipalities are also burdened with the cost to DOAG of \$0.05 per metal tag plus the cost of mailing reminders to each resident and mailing tags out when necessary. Each town in CT sees minimal revenue from dog tags, yet town clerks report spending a large percentage of their time from June through August on dog licensure.

State

[Click here to enter text.](#)

Nominal increase to the general fund through violations in Sec. 22-61d

Dog Licensing Proposal- There is a potential for \$5 million in state revenue from the dog licensing. The Department of Agriculture would require a minimum of \$400,000 in additional annual funding to accommodate the additional staff (processing technicians) and the initial and upkeep costs of the online licensing structure itself.

Federal

[Click here to enter text.](#)

Additional notes on fiscal impact

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

Changes to language surrounding service animals is reflective of current federal law and is in line with language used in the Americans with Disabilities Act.

◇ **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.

Dog licensing proposal- The Department of Agriculture would track the number of dogs licensed on the new platform and would be able to compare the data to the information from municipalities for the previous years. This information would also detail the reimbursement rates to be distributed to the towns.

[Insert fully drafted bill here](#)

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Section xx

(Sec. 22-9) Supervision of Institutional Farms

Section 22-9 is repealed.

The commissioner shall exercise such authority and control over the policies and operations, including financial operations, of the various state-owned institutional farms, except those of The University of Connecticut and the state agricultural experiment stations, as he deems necessary in the interest of efficient and economical operation of the same and in the best interests of the state.

Section xx

(Sec. 22-61d) Restrictions of seed sale, exposure for sale and transportation to sale. Exemptions. Prohibited Acts.

Section 22-61d is repealed and following substituted (Effective July 1, 2022)

(a) No person shall sell, offer for sale, expose for sale or transport for sale any agricultural or vegetable seed or seed used for lawn or turf purposes that has not been labeled pursuant to section 22-61c by a person who is registered with the Commissioner of Agriculture. Any person who labels seed shall register with the Commissioner of Agriculture. The application for seed labeler registration shall be submitted to the commissioner in a manner and on a form furnished by the commissioner. The application shall be accompanied by a fee of one hundred (100) dollars. All seed labeler registrations shall expire on March thirty-first of each year. Any person selling only seeds which are supplied and labeled by a registered seed labeler shall be exempt from the provisions of this section.

[(a)] (b) No person shall sell, offer for sale, expose for sale or transport for sale any agricultural, vegetable, flower, tree or shrub seed that is subject to the germination requirements of section 22-61c and for which



section 22-61c does not otherwise provide the applicable germination test requirement, if: (1) The test to determine the percentage of germination required by section 22-61c was completed more than ten months, including the month such testing was performed, before such seed is sold, offered for sale, exposed for sale or transported for sale in this state; (2) such seed is not labeled in accordance with the provisions of section 22-61c or has a false or misleading label; (3) such seed is associated with a false or misleading advertisement; (4) such seed consists of or contains prohibited noxious weed seeds; (5) such seed consists of or contains restricted noxious weed seeds per pound in excess of the number prescribed by rules as adopted by the Association of American Seed Control Officials, effective October 1, 1978, and amended from time to time, or in excess of the number declared or in excess of the maximum percentage allowed (0.50 per cent) for undesirable grass seeds on the label attached to the container of the seed or associated with such seed; (6) contains more than two and one-half per cent by weight of all weed seeds; (7) any labeling, advertising or other representation required by section 22-61c represents the seed to be certified seed or any class thereof unless: (A) (i) Such seed conforms to standards of purity and identify as to kind, species and subspecies, if applicable, or variety, as determined by a seed certifying agency, or (ii) in the case of any tree seed, that such seed was found by such seed certifying agency to be of the origin and elevation claimed, in compliance with the rules and regulations of such seed certifying agency, and (B) such seed bears an official label issued for such seed by a seed certifying agency which label certifies that the seed is of a specified class and a specified kind, variety, species and subspecies, if applicable; or (8) such seed is labeled with a variety name but such seed is not certified by a seed certifying agency, whenever such seed is a variety for which 7 USC 2321 specifies that the sale of such seed shall be as a class of certified seed, except any seed from a certified lot may be labeled as to variety name when used in a mixture by, or with, the approval of the owner of the variety.

[(b)] (c) The prohibitions contained in subsection (a) of this section shall not apply to any agricultural, vegetable, tree or shrub seed sold, offered for sale, exposed for sale or transported for sale in this state in a hermetically sealed container. Notwithstanding the provisions of section 22-61c and subsection (a) of this section, agricultural or vegetable seeds packaged in hermetically sealed containers under the conditions defined in rules as adopted by the Association of American Seed Control Officials, effective October 1, 1978, and amended from time to time, may be sold, exposed for sale or offered for sale or transportation in this state for a period of thirty-six months after the last day of the month that such seeds were tested for germination prior to packaging. If any agricultural or vegetable seed in a hermetically sealed container is sold, exposed for sale, or offered for sale or transportation in this state more than thirty-six months after the last day of the month in which such seed was tested prior to packaging, such seed shall be retested not earlier than ten months, inclusive of the month of such retest, prior to the sale, exposure for sale, offering for sale or transportation of such seed.

[(c)] (d) No person shall: (1) Detach, alter, deface or destroy any label required pursuant to section 22-61c, (2) alter or substitute seed in a manner inconsistent with the requirements of section 22-61c, (3) use relabeling stickers that do not have both the calendar month and year the germination test was completed, the sell by date and the lot number that matches the existing, original lot number, (4)



use a relabeling sticker for a seed more than one time, (5) disseminate any false or misleading advertisement concerning any seed that is subject to the provisions of section 22-61c or this section, (6) hinder or obstruct, in any way, the seed control officer in the performance of his or her duties, as prescribed by section 22-61c, (7) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or dispose of any tag attached to such a lot, except with the express permission of the seed control officer, (8) use the word "trace" or the phrase "contains > than .01%" as a substitute for any statement that is required pursuant to section 22-61c, (9) use the word "type" in any labeling in connection with the name of any agricultural seed variety, or (10) alter or falsify any seed label, seed tests, laboratory report, record or other document for the purpose of creating a misleading impression as to kind variety, history, quality or origin of such seed.

Section xx

(Sec. 22-327) Definition of animal

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

(1) "Animal" means [any brute creature,] domestic animal including, but not limited to, dogs, cats, monkeys, guinea pigs, hamsters, and rabbits, [birds and reptiles]; 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. 22-329a) Seizure and custody of neglected or cruelly treated animals. Vesting of ownership of animal. Animal abuse recovery account.

(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, or with their counsel of record in the case. The [surety bond or] cash bond shall be in the amount of [five hundred]one thousand 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.

Section xx (Sec. 22-342) Kennel licenses. Certain breeders to be licensed. Inspection of kennel facilities. Penalties.

(a) Any owner or keeper of a [kennel] facility who breeds more than two litters of dogs annually shall apply to the town clerk in the town in which such [kennel] facility is located for a breeding kennel license. Any owner or keeper of a [kennel] facility who breeds not more than two litters of dogs annually may apply to the town clerk of the town in which such [kennel] facility is located for a



breeding kennel license. For the purposes of this section, annually shall refer to the breeding kennel license year which begins July first. Such town clerk shall issue to such applicant a breeding kennel license on a form prescribed by the commissioner for a period from the date of such application until the thirtieth day of the ensuing June. The license shall specify the name and number of the breeding kennel, the name of the owner and the name of the keeper and shall be in lieu of any other license required for any dog of either sex which may be kept in such breeding kennel during the period for which the license is issued. Each license may be renewed from year to year by the town clerk upon application of such owner or keeper. Each such owner or keeper shall cause to be kept, upon each dog in such breeding kennel, while it is at large, a collar or harness of leather or other suitable material, to which collar or harness shall be securely attached a tag or plate upon which shall appear the number of the breeding kennel license, the name of the town issuing the license and the year of license. Such plates or tags shall be furnished by the town clerk of the town in which such breeding kennel is licensed, at a cost of ten cents each, in such numbers, not fewer than the number of dogs kept in such breeding kennel, and at such time as the licensee may request. The fee for each breeding kennel license, when no more than ten dogs are kept in the breeding kennel, shall be fifty dollars, and for a license for a breeding kennel containing more than ten dogs, the fee shall be one hundred dollars, except that in the case of a breeding kennel started after the first day of July, the license fee for the remainder of the year shall be a proportional part of the fee charged for one year. If the owner or keeper of any established [kennel] facility fails to obtain the breeding kennel license as required by this section, on or before June thirtieth, [he] they shall pay one dollar for each dog kept therein, in addition to the regular breeding kennel license fee.

(b) [The commissioner, the Chief Animal Control Officer or any state animal control officer may at any time inspect any kennel including all facilities of any kennel in which dogs are bred or housed or cause it to be inspected by a Connecticut licensed veterinarian appointed by the commissioner. If, in the judgment of the commissioner, such kennel is not being maintained in good repair and in a sanitary and humane manner or if the commissioner finds that communicable or infectious disease or other unsatisfactory conditions exist in the kennel, he may issue such orders as he deems necessary for the correction of such conditions and may quarantine the premises and animals. If the owner or keeper of such kennel fails to comply with such orders, the commissioner shall revoke or suspend the kennel license of such owner or keeper.] Any facility being used as a breeding kennel may be inspected by any animal control officer appointed pursuant to sections 22-331 or 22-331a with jurisdiction in the municipality in which the breeding kennel is located. Such inspection may include sanitary conditions in which the dogs are kept, access to proper and wholesome food, water exercise, and veterinary care when necessary, including rabies vaccinations. Crates or other enclosures in which dogs are kept for more than four (4) hours shall be clean and in good repair such that that they



do not pose a hazard to the dogs and shall be of sufficient size as to allow the dogs to stand, sit, lie down, turn around and make normal postural movements. If such officer finds conditions exist in the breeding kennel which may adversely affect the health and welfare of the dogs, such officer may issue such orders as are necessary for the correction of such conditions. If such officer suspects a communicable or infectious disease is present, such officer may order the licensee to consult a Connecticut licensed veterinarian at their own expense to address the suspected health condition. The licensee shall be required to implement any recommendations and orders of the animal control officer, and recommendations of the attending veterinarian. The municipality may suspend, revoke, or refuse to issue any license under this section for cause.

(c) Any person aggrieved by any order issued under the provisions of this section may appeal to the Superior Court [in accordance with the provisions of section 4-183] of the judicial district in which such municipality is located, provided such appeal is made within fifteen days of the date of the order. Any such appeal shall be considered a privileged matter with respect to the order of trial.

(d) Any person maintaining a breeding kennel after such license has been revoked or suspended as herein provided shall be guilty of a class [B] D misdemeanor.

(e) Any owner or keeper of a breeding kennel who breeds more than two litters of dogs annually and (1) fails to apply for a breeding kennel license as required in subsection (a) of this section, or (2) fails to allow an inspection of such facility as required in subsection (b) of this section, or (3) fails to comply with an order issued pursuant to subsection (b) of this section shall for a first offense have committed an infraction, and for a second or subsequent offense shall be guilty of a class [B] D misdemeanor.

Section xx

Section 22-344b Pet shop required to have dogs and cats examined by veterinarian. Replacement or refund. Statement of customer rights. Penalty.

Section 22-344b is repealed and following substituted (Effective July 1, 2022)

(a) A pet shop licensee shall, prior to offering a dog or cat for sale and thereafter at intervals of fifteen days until such dog or cat is sold, provide for examination of such dog or cat by a veterinarian licensed under chapter 384. Such licensee shall maintain [a] an electronic or written record of the veterinary examinations and services rendered for each dog or cat offered for sale.

(b)



(1) If, (A) within twenty days of sale, any such dog or cat becomes ill or dies of any illness which existed in such dog or cat at the time of the sale, or (B) within six months of sale, any such dog or cat is diagnosed with a congenital defect that adversely affects or will adversely affect the health of such dog or cat, such licensee shall: (i) Reimburse such consumer for the value of the actual services and medications provided to such dog or cat by any veterinarian licensed pursuant to chapter 384 for the treatment of such illness or congenital defect upon the presentation by such consumer to such licensee of a certificate from such veterinarian that such dog or cat suffers or suffered from such illness or congenital defect, provided such reimbursement shall not exceed (I) the full purchase price of such dog or cat for any dog or cat purchased for five hundred dollars or more, and (II) five hundred dollars for any dog or cat purchased for less than five hundred dollars. No licensee may require the consumer to return such dog or cat to such licensee to receive such reimbursement, or (ii) at the option of such consumer, replace the dog or cat or refund in full the purchase price of such dog or cat: (I) In the case of illness or such congenital defect, upon return of the dog or cat to the pet shop and the receipt of a certificate from a veterinarian licensed under chapter 384 and selected by the consumer, stating that the dog or cat is ill from a condition which existed at the time of sale, or suffers from such congenital defect, and (II) in the case of death, the receipt of a certificate from a veterinarian licensed under chapter 384 and selected by the consumer, stating that the dog or cat died from an illness or a congenital defect which existed at the time of sale. The presentation of such certificate shall be sufficient proof to claim reimbursement or replacement and the return of such deceased dog or cat to the pet shop shall not be required. [Any such consumer may seek the assistance of the Commissioner of Agriculture in the event that the licensee fails to reimburse such consumer in accordance with the provisions of this subsection. No such refund or replacement shall be made if such illness or death resulted from maltreatment or neglect by a person other than the licensee or such licensee's agent or employee.] A licensee shall not be subject to the obligations imposed by this subsection for the sale of a cat where such cat has been spayed or neutered prior to its sale. In the event the licensee fails to comply with a demand for reimbursement or replacement, the consumer may bring an action in superior court to enforce their claim rights under this section.

(2) Each pet shop licensee who sells dogs or cats shall post a statement of customer rights pursuant to this section in a location that is readily visible to the public and also provide a copy of such statement to any purchaser of a dog or cat at the time of purchase. The commissioner shall prescribe the content of such statement. Any statement of customer rights posted pursuant to this section shall be printed in black lettering of not less than twenty point size upon a white background. Any licensee who violates the provisions of this subdivision shall be fined two hundred fifty dollars.

(c) Any licensee who violates any provision of subsection (a)[or subdivision (1) of subsection (b)] of this section shall be fined not more than five hundred dollars. Any fine assessed pursuant to this



subsection for a failure to reimburse a consumer, as described in subsection (b) of this section, shall not preclude or be in lieu of any such reimbursement.

Section xx (Sec. 22-358) Killing of dogs doing damage. Quarantine of biting dogs, cats or other animals. Notice. Seizure. Euthanasia and examination of potentially rabid animals. Complaints by persons sustaining damage to dog, poultry, ratite, domestic rabbit, companion animal or livestock. Orders. Appeals.

Sec. 22-358 is repealed and following substituted: (*Effective from passage*)

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) Control of rabies. Regulations.

Sec. 22-359 is repealed and following substituted: (*Effective from passage*)

Sec. 22-359. Control of rabies. Regulations.

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 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

(Sec. 22-364b)Control of dogs in proximity to guide dogs.

Section 22-364b is repealed and the 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] 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] person with a disability, [is wearing a harness or an orange-colored leash and collar which makes it readily-identifiable as a guide dog] 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] 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 (Sec. 26-57a) Regulations for the establishment of in-state captive herds of cervids. Pilot program for businesses to maintain reindeer. Importation of reindeer into state from Thanksgiving Day to New Years Day.

Section 26-57a is repealed and the following substituted:

(a) On or before September 1, 2013, the Commissioner of Agriculture, in consultation and with the agreement of the Department of Energy and Environmental Protection, shall adopt regulations, in accordance with the provisions of chapter 54, to authorize the establishment of in-state captive herds of cervids, including, but not limited to, reindeer (*Rangifer tarandus*). Such regulations shall include, but not be limited to, (1) provisions concerning the issuing of permits for the importation, exportation and maintenance of captive herds, (2) standards and procedures to protect native wildlife, (3) provisions for seasonal interstate transport and possession of reindeer pursuant to subsection (c) of this section until such time as domestic herds are sufficiently established to meet demand, and (4) provisions for inspections and enforcement.

(b) Any importation permit issued pursuant to this section shall be issued by the Commissioner of Agriculture in consultation with the Commissioner of Energy and Environmental Protection.

(c) Not later than November 1, 2012, the Commissioner of Agriculture shall implement a pilot program for the issuance of two permits that allow not more than two Connecticut businesses to maintain not more than five reindeer each. Each such reindeer shall be subject to an importation permit issued by the Commissioner of Agriculture in consultation with the Department of Energy and Environmental Protection. Such permits shall be on forms provided by the Commissioner of Agriculture and shall be contingent on requirements determined by the Commissioner of Agriculture, including, but not limited to, the source of such animals, any required health certification, fencing and containment requirements, periodic inspections and testing. Such pilot program shall remain in effect until such time as regulations are adopted pursuant to subsection (a) of this section.

(d) Until such time as regulations are adopted pursuant to subsection (a) of this section, any person may import one or more reindeer into the state as follows; (1) during the period commencing on Thanksgiving Day of each year and ending on the immediately following New Year's Day, or (2) for a period of time not to exceed seven days. Any importation under this section shall meet the following requirements; [provided] (1) any reindeer so imported is subsequently exported from the state no later than a week following the end of such period, and (2) such importation complies with the following requirements: Each reindeer so imported (A) is individually identified by a permanent metal ear tag, legible tattoo or microchip, (B) possesses a certified veterinary report of inspection documenting an inspection that occurred at least one day and not more than thirty days prior to



entry into the state, (C) possesses documentation that verifies such reindeer (i) comes from a herd that is free of both tuberculosis and brucellosis, or (ii) tested negative for tuberculosis and brucellosis at least one day and not more than thirty days prior to entry into the state, and (D) possesses documentation that the originating herd participated in a state chronic wasting disease monitoring program (i) not less than the prior three years if from a state or province not known to have chronic wasting disease, or (ii) not less than the prior five years if from a state or province known to have chronic wasting disease outbreaks.

Section xx

22-338 Licensing of dogs. Fees. Rabies certificate. Exemptions.

- (a) Each owner or keeper of a dog of the age of six months or older, except dogs kept under a breeding kennel license as provided in section 22-342, shall cause such dog to be licensed with [in the town clerk's office] the Department of Agriculture [in the town where such dog is kept], on or before June thirtieth, annually, or at such time as such dog becomes six months old, and annually thereafter, on or before June thirtieth. The owner or keeper shall pay the Department of Agriculture [to such town clerk]for such license the sum of [seven] eight dollars for each neutered male or spayed female dog and the sum of twelve dollars for each unneutered male dog and each unsapayed female dog, and one additional dollar in each case as the town clerk's fee for issuing a tag and license as provided in section 22-340. [Two] Three dollars from each license fee collected for a neutered or spayed dog shall be deposited into the animal population control account, established under section 22-380g. If an owner or keeper of a dog fails to procure a license as required by this section, such owner or keeper shall pay the appropriate license fee specified in this section, the town clerk's fee and a penalty of one dollar for each month or fraction thereof the dog remains unlicensed.
- (b) Any owner or keeper applying for a license for a dog under subsection (a) of this section, except for those owners or keepers possessing a rabies vaccination exemption certificate, or a copy thereof, issued pursuant to section 22-339b, shall submit to the [town clerk] Department of Agriculture a rabies certificate signed by a licensed veterinarian, or a copy thereof, stating that such dog has been vaccinated against rabies, the date of the vaccination and the duration of the immunity provided by the vaccine. No license shall be issued unless the certificate indicates that the immunity provided by the vaccine is effective at the time of licensing.
- (c) Any owner or keeper applying for a license for a dog pursuant to subsection (a) of this section that has been exempted from vaccination against rabies pursuant to section 22-339b shall submit to the [town clerk] Department of Agriculture a rabies vaccination exemption certificate issued by the department, or a copy thereof, in lieu of a rabies certificate.



This section shall not apply to any dog which is imported into this state for exhibition purposes and which does not remain in this state for more than thirty days. Any person may import, from another state, any licensed dog with collar, tag and rabies vaccination certificate, and keep the same in this state for not more than thirty days, without complying with the provisions of this section.

Section xx

22-339 Licensing of dogs which are six months of age or older by new owners. Fees.

Any person upon becoming the owner or keeper of any unlicensed dog of the age of six months or older shall cause such dog to be licensed within thirty days thereof until the thirtieth day of the ensuing June in the manner and subject to the terms and conditions provided in section 22-338. If the new owner has written proof of purchase or transfer and the license is obtained within thirty days, [he] they shall not be required to pay any penalties as provided by said section for failure to secure a license for a dog over six months of age. [Any person becoming the owner of a licensed dog shall present the license and tag of such dog to the town clerk of the town in which he resides and, for a fee of one dollar, such town clerk shall issue, in lieu thereof, a new license and tag, which shall be recorded in the name of the new owner. Such town clerk shall retain the old license and tag in his possession.]

Section xx

22-339a [Town Clerks] The commissioner may deputize agents for the issuance of licenses.

Licensing of dogs acquired from dog pounds. Fees. Rabies certificate.

[Town Clerks] The commissioner may deputize agents for the issuance of licenses. Licensing of dogs acquired from dog pounds. Fees. Rabies certificate.

- (a) The Commissioner may deputize any town clerk of any town, and [may deputize] employees of any dog pound in [such] any town as agents for the issuance of dog licenses and tags, provided the town clerk shall be solely responsible for compliance with the provisions of the statutes relating to the duties of the town clerk in connection with such licenses and tags and the moneys received therefor.]

Any person acquiring an unlicensed dog from a dog pound shall be issued a temporary license by the Department of Agriculture [town clerk], or [his] their agent deputized pursuant to subsection (a) of this section, which shall expire thirty days after the issuance thereof. Prior to the expiration of a temporary license, the person holding the license shall apply for a license, for the remainder of the license year, pay the appropriate license fee specified in section 22-338, and submit a certificate signed by a veterinarian, or a copy thereof, stating (1) that the dog has been vaccinated against rabies, (2) the date of the vaccination and (3) the duration of the immunity provided by the vaccine.]



No license shall be issued unless the certificate indicates that the immunity provided by the vaccine is effective at the time of licensing.

Section xx

22-339c. Certificate of rabies vaccination.

(a) A certificate of rabies vaccination shall be (1) a form approved by the National Association of Public Health Veterinarians, (2) any form approved by the State Veterinarian, or (3) any form that has the following information regarding the vaccinated animal: (A) The name and address of its owner; (B) a description of the animal which specifies its species, breed, age, color or markings and sex; (C) the date of the vaccination, the duration of the immunity provided by the vaccination, the producer of the vaccine and the vaccine serial number; (D) the rabies tag number; and (E) the signature and license number of the veterinarian administering the vaccination. Such certificate shall be the official proof of rabies vaccination submitted to the Department of Agriculture [a town clerk] in accordance with the provisions of section 22-338 or 22-339a.

(b) The owner or keeper of a dog or cat shall keep a certificate, or copy thereof, stating that such dog or cat has been vaccinated against rabies and shall make such certificate or copy available to any animal control officer, regional animal control officer or municipal animal control officer of any municipality for inspection.

(c) An antirabies clinic, upon request of any municipal animal control officer or animal control officer, shall submit to such officer a copy of any such certificate issued. Such copy shall be used by the officer to search for unlicensed dogs in accordance with the provisions of section 22-349

Section xx

22-340 [Town clerk] The Department of Agriculture to provide licenses and tags.

[Town clerk] The Department of Agriculture to provide licenses and tags.

(a) Each person complying with the provisions of section 22-338, 22-339 or 22-342 shall receive from the [town clerk] Department of Agriculture a license on a form prescribed by the commissioner, which license shall contain a description of the dog and the number under which such dog is licensed. The [town clerk] Department of Agriculture shall issue to such person a tag or plate of material



prescribed by the commissioner, upon which shall be distinctly marked with[the name of the town in which such dog is licensed,] the license number and the year of license. [No town clerk] The Department of Agriculture shall not issue a [such] license or tag to any person for any neutered male or spayed female dog not previously licensed as such unless the person causing the dog to be licensed exhibits to the [town clerk the] Department of Agriculture a certificate from a licensed veterinarian stating that such veterinarian has neutered or spayed the dog or that, after examining the dog, [he] they [finds] find that the dog has been neutered or spayed.

(b) The [town clerk] Department of Agriculture shall provide for the issuance and renewal through an electronic registration or by [the] mail of licenses issued under sections 22-338 and 22-339. The [town clerk] Department of Agriculture may make applications for such licenses available at such facilities as kennels, pet stores, veterinarian offices, humane society offices and pet grooming establishments.

Section xx

22-345 License and tag for guide dogs for blind, deaf or mobility impaired persons.

Any [blind, deaf or mobility impaired person] person with a disability who is the owner or keeper of a dog which is a service animal for such person, or is in training to become a service animal [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 from the Department of Agriculture [town clerk of the town where such dog 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. When any such dog has not been previously licensed by the [town clerk] Department of Agriculture to whom application is being made, [such town clerk] the Department of Agriculture shall not license such dog or issue to the owner a license and tag unless the owner or keeper of a dog provides written confirmation [evidence is exhibited to such clerk] that such dog is a service animal or is in training to become a service animal. [the dog is trained and educated and intended in fact to perform such guide service for such applicant Any person who has a dog placed with such person temporarily, including for breeding purposes, by a nonprofit organization established for the purpose of training or educating guide dogs to so assist blind, deaf or mobility impaired persons shall receive a license and tag for such dog from the town clerk of the town where such dog 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 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

22-347 Use of license fees.

Within thirty days after receipt of the fees for dog licenses and tags, the commissioner shall remit to each town clerk [shall deduct] one dollar for each dog licensed within such town, two dollars for each kennel license issued and fifty cents for each replacement tag issued and pay the balance to [the town treasurer] town clerk or other proper fiscal officer. The commissioner [Each town treasurer or fiscal officer, as the case may be,] shall keep a separate dog fund account of all fees received [from the town clerk, and all receipts from the municipal animal control officer] and expended by [said officer] the commissioner under the provisions of this chapter[, and shall pay to the Commissioner of Agriculture, on September first of each year, fifty per cent of all moneys received from the sale of licenses prior to July first, or forty per cent of all such moneys if the town has made a survey of unlicensed dogs in accordance with the provisions of section 22-349, and include with such payment a statement of the number of licenses issued during such year]. [All moneys received from licenses sold after June thirtieth and all moneys received from the municipal animal control officer and all license fees returned to the town by the State Treasurer, at the request of the commissioner, under the provisions of section 22-348 shall be kept by the town treasurer or other fiscal officer in the separate dog fund account. The town treasurer or other fiscal officer shall, on the ensuing September first, send fifty per cent, or forty per cent as the case may be, of all license fees in such account to the commissioner, including any penalty fees collected pursuant to section 22-338. All payments to the commissioner shall be accompanied by an account thereof in a form prescribed by the commissioner and a copy of such account shall be sent to the commissioner. Upon the failure of any town treasurer or other fiscal officer to pay any amount due pursuant to this section, or any portion thereof, within forty-five days from its due date, the commissioner shall add interest of one and one-fourth per cent per month or fraction thereof on the amount unpaid per month or fraction thereof from the due date of such payment to the date of payment and a penalty in the amount of ten per cent of the amount unpaid or fifty dollars, whichever is greater. All funds in the dog fund account, except such funds as are to be sent to the commissioner, shall be used only for the compensation of municipal animal



control officers, license certificates, tags, the construction and maintenance of dog pounds, the detention and care of impounded dogs in accordance with section 22-336, municipal animal control officer's equipment, dog supplies and such veterinary fees as are provided for by law or regulations and shall not be used for any other purpose except upon written approval of the commissioner.] No fees paid[into the treasury of the town] for tags or licenses for dogs shall be paid back to the persons from whom they were collected.

Section xx

22-349 Unlicensed dogs. Regulations. Impoundment.

Unlicensed dogs. Regulations. Impoundment.

The Department of Agriculture [town clerk] of each town shall, annually, on or before July first, provide each town's [the] municipal animal control officer or regional animal control officer with a copy of each dog license issued by the Department of Agriculture [such clerk]. Such municipal animal control officer or regional animal control officer shall thereupon make diligent search for any unlicensed dog required to be licensed by section 22-338. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing procedures for such search. If the owner of any such unlicensed dog is not known, the municipal animal control officer or regional animal control officer shall impound such dog. The owning or keeping of an unlicensed or impounded dog and the failure to purchase a license and pay the advertising and redemption fee within one hundred and twenty hours from the time the dog was impounded shall be an infraction.

Section xx

22-352 Change of residence or owner.

Section 22-352 is repealed.

Any dog licensed as provided in this chapter may be kept in any town in this state under such license until the June thirtieth succeeding the date thereof, if the owner maintains a residence in the town where such license was issued. If any owner discontinues such residence and takes up residence in another town, he shall present the license and tag to the town clerk of such town and, for a fee of fifty cents, the town clerk shall issue a new license and tag for the town in which the owner now resides. Such town clerk shall retain the old license and tag in his possession.



Section xx

22-380I Surcharge on licensure of unspayed or unneutered dogs.

For each license issued pursuant to section 22-338 for an unspayed or unneutered dog, the [town clerk] Department of Agriculture shall collect a surcharge of [six] eight dollars which shall be deposited [by such clerk] into the animal population control account established pursuant to section 22-380g.

Agency Legislative Proposal - 2022 Session

Document Name: An Act Concerning Technical Revisions to the Department of Agriculture Statutes

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

| |
|--|
| State Agency: Department of Agriculture |
| Liaison: Kayleigh Royston Phone: 860-803-0347 E-mail: Kayleigh.Royston@ct.gov |
| Lead agency division requesting this proposal: Click here to enter text. |
| Agency Analyst/Drafter of Proposal: Kayleigh Royston |

Title of Proposal: An Act Concerning Technical Revisions to the Department of Agriculture Statutes

Statutory Reference: 22-4a, 22-4d, 22-6b, 22-7, 22-11c, 22-12b, 22-14, 22-16, 22-17, 22-17a, 22-26c, 22-26g, 22-26cc, 22-27, 22-31, 22-34, 22-39e, 22-53, 22-79, 22-80, 22-81a, 22-8822-90, 22-91f, 22-98, 22-99, 22-101, 22-118s, 22-120a, 22-128, 22-134, 22-139, 22-140, 22-141, 22-146, 22-165, 22-181, 22-182a, 22-186, 22-203a, 22-208, 22-212, 22-224, 22-227, 22-228, 22-234, 22-239, 22-241, 22-242, 22-242a, 22-244, 22-245, 22-272a, 22-277a, 22-279, 22-280a, 22-284, 22-287, 22-288a, 22-296, 22-298, 22-299a, 22-303, 22-308, 22-309, 22-313, 22-318a, 22-320f, 22-320g, 22-321, 22-323a, 22-323c, 22-324, 22-325, 22-326d, 22-326f, 22-330, 22-327, 22-345, 22-364b, 22-381, 22-415b, 22-415i, 22-456, 22-457



Proposal Summary:

[Click here to enter text.](#)

This proposal makes a number of revisions to remove gendered language from the Department of Agriculture statutes. (Various statutes)

This proposal makes minor definitional updates to conform with federal law. (Sec. 22-327)

This proposal includes updates regarding conformity to federal law for service animals (Sec. 22-345) (Sec. 22-364b)

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (9) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (10) *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?*
- (11) *Have certain constituencies called for this action?*
- (12) *What would happen if this was not enacted in law this session?*

[Click here to enter text.](#)

To update the Department of Agriculture statutes and remove gendered language throughout and update definitions to reflect federal law.

◇ Origin of Proposal

New Proposal

Resubmission

If this is a resubmission, please share:

- (9) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (10) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (11) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (12) *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)*

Click here to enter text.

This proposal has no municipal fiscal impact.

State

Click here to enter text.

This proposal has no state fiscal impact.

Federal

Click here to enter text.

This proposal has no federal fiscal impact.

Additional notes on fiscal impact

Click here to enter text.

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

Click here to enter text.

◇ **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

Copy and paste here.

Section xx

(Sec. 22-327) Definitions.

Sec. 22-327 is amended to add new section (13): (Effective upon Passage) (13) "C.F.R." and "CFR" means the Code of Federal Regulations.

Section xx

(Sec. 22-345) License and tag for guide dogs for blind, deaf, or mobility impaired persons.

Section 22-345 is repealed and following substituted (Effective from passage)

License and tag for [guide dogs for blind, deaf, or mobility impaired persons] service animals.

Any [blind, deaf or mobility impaired] person with a disability who is the owner or keeper of a dog [which has been trained and educated to guide and assist such person in traveling upon the public streets or highways or otherwise] that is a service animal 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 that is a 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 to so assist blind, deaf or mobility impaired persons] service animal 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. 22-364b) Control of dogs in proximity to guide dogs.

Section 22-364b is repealed and following substituted (Effective from passage)



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: (1) in the direct custody of such [blind, deaf or mobility impaired] person, (2) is wearing a harness, vest or [an orange-colored] leash and collar which makes it readily-identifiable as a [guide dog] service animal and (3) is licensed in accordance with section 22-345, as amended by this act. 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.

Revisions to Gendered Language in DOAG Statutes

Section xx

(Sec. 22-4a) Delegation of Commissioner's Authority

Section 22-4a is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture may designate as [his] their agent any state or regional agency or municipality or employee thereof and delegate to such agent the authority to inspect in connection with the enforcement of the provisions of this title, or any regulation adopted, or permit or order issued, by the commissioner pursuant to this title. Any delegation of authority by the commissioner shall be with the consent of such state or regional agency or municipality.

Section xx

(Sec. 22-4d) Cease and desist orders.

Section 22-4d is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture, whenever [he finds] they find after investigation that (1) any person is causing, engaging in or maintaining, or is about to cause, engage in or maintain, any condition or activity which, in [his] their judgment, will result in or is likely to result in imminent and substantial harm to any animal, or to public health within the jurisdiction of the commissioner under



the provisions of this title, (2) there is a violation of the terms and conditions of a permit issued by [him] them and the department that is in [his] their judgment substantial and continuous and it appears prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, or (3) any person is conducting, has conducted, or is about to conduct an activity which will result in or is likely to result in imminent and substantial harm to the animal, or to public health within the jurisdiction of the commissioner under the provisions of this title for which a license is required under the provisions of this title without obtaining such license, may, without prior hearing, issue a cease and desist order in writing to such person to discontinue, abate or alleviate such condition or activity.

(b) The commissioner shall serve any cease and desist order issued pursuant to this section in accordance with the provisions of sections 33-296, 33-297, 33-1050, 33-1051 and 52-57, as applicable. The commissioner may also cause a copy of the order to be posted upon property which is the subject of the order, and no action for trespass shall lie for such posting. Such cease and desist order shall be binding upon all persons against whom it is issued, their agents and any independent contractor engaged by such persons.

(c) Upon receipt of such order such person shall immediately comply with such order. The commissioner shall hold a hearing within ten days of the date of receipt of such order by all persons served with such order to provide any such person an opportunity to be heard and show that such condition does not exist or such violation has not occurred or a license was not required or all required licenses were obtained. All briefs or legal memoranda to be presented in connection with such hearing shall be filed not later than ten days after such hearing. Such order shall remain in effect until fifteen days after the hearing within which time a new decision based on the hearing shall be made.

(d) The Attorney General, upon the request of the commissioner, may institute an action in the superior court for the judicial district of Hartford to enjoin any person from violating a cease and desist order issued pursuant to this section and to compel compliance with such order.

Section xx

(Sec. 22-6b) Refunds of sums paid Department of Agriculture

Section 22-6b is repealed and following substituted (Effective from passage)

The Comptroller, upon application of the Commissioner of Agriculture, may draw [his] their order upon the Treasurer in favor of any person equitably entitled to the refund of any money paid to any component agency of the Department of Agriculture for the amount of such refund as determined by the Commissioner of Agriculture, provided, if the amount of such refund exceeds two hundred fifty dollars, such refund shall only be made with the approval of the Secretary of the Office of Policy and Management.



Section xx

(Sec. 22-7) Administrative civil penalties.

Section 22-7 is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture may impose civil penalties for any violation of the provisions of this title. Civil penalties established for each violation shall be of such amount as to insure immediate and continued compliance with applicable laws, regulations, orders and permits issued by the commissioner pursuant to any provision of this title. Such penalties shall be a sum determined by the commissioner which shall not exceed two thousand five hundred dollars for each violation and two hundred fifty dollars for each day during which such violation continues after receipt of a final order of the commissioner assessing the civil penalty for such violation.

(b) In addition, in setting a civil penalty in a particular case, the commissioner shall consider all factors [which he deems] determined to be relevant, including, but not limited to, the following:

- (1)** The amount of assessment necessary to insure immediate and continued compliance;
- (2)** The conduct of the person incurring the civil penalty in taking all feasible steps or procedures necessary or appropriate to comply or to correct the violation;
- (3)** Any prior violations by such person of any statute, regulation, order or permit administered, adopted or issued by the commissioner;
- (4)** The economic and financial conditions of such person;
- (5)** The character and degree of injury to, or interference with, public health, safety or welfare which is caused or threatened to be caused by such violation;
- (6)** The character and degree of injury to, or interference with, reasonable use of property which is caused or threatened to be caused by such violation;
- (7)** The character and degree of impact of the violation on the health, safety or welfare of any domestic animal; and
- (8)** The character and degree of impact of the violation on any agricultural resource especially any lands preserved by the state.

(c) If the commissioner has reason to believe that a violation has occurred for which a civil penalty is authorized by this section, [he] they may send to the violator, by certified mail, return receipt requested, or personal service, a notice which shall include:

- (1)** A reference to the section of the statute, regulation, order or permit involved;
- (2)** A short and plain statement of the matters asserted or charged;



(3) A statement of the amount of the civil penalty or penalties to be imposed upon finding after hearing that a violation has occurred or upon a default; and

(4) A statement of the party's right to a hearing.

(d) The person to whom the notice is addressed shall have twenty days from the date of receipt of the notice in which to deliver to the commissioner written application for a hearing. If a hearing is requested, the commissioner may issue a final order after a hearing and, upon a finding that a violation has occurred, may assess a civil penalty under this section which shall be no greater than the penalty stated in the notice. If a hearing is not requested, or if a request for a hearing is later withdrawn, then the notice shall become a final order of the commissioner on the first day after the expiration of such twenty-day period or on the first day after the withdrawal of such request for hearing, whichever is later, and the matters asserted or charged in the notice shall be deemed admitted unless modified by a consent order, which shall become the final order. Any such penalty may be mitigated by the commissioner upon such terms and conditions as he deems proper or necessary upon consideration of the factors set forth in subsection (b) of this section.

(e) All hearings under this section shall be conducted pursuant to sections 4-176e to 4-184, inclusive. A final order of the commissioner assessing a civil penalty shall be subject to appeal as set forth in section 4-183 except that any such appeal shall be taken to the superior court for the judicial district of New Britain and shall have precedence in the order of trial as provided in section 52-191. Such final order shall not be subject to appeal under any other provision of the general statutes. No challenge to any final order of the commissioner assessing a civil penalty shall be allowed as to any issue which could have been raised by an appeal of an earlier order, notice, permit, denial or other final decision by the commissioner. Any civil penalty authorized by this section shall become due and payable (1) at the time of receipt of a final order in the case of a civil penalty assessed in such order after a hearing, (2) on the first day after the expiration of the period in which a hearing may be requested if no hearing is requested, or (3) on the first day after any withdrawal of a request for hearing.

(f) Any person acting within the terms and conditions of a final order or permit issued by the commissioner shall not be subject to a civil penalty under this section for any actions which the commissioner finds were within the terms and conditions of such final order or permit. Any person claiming to have acted within the terms and conditions of a final order or permit shall have the burdens of production and persuasion on his defense in any administrative hearing on a civil penalty held by the commissioner.

Section xx

(Sec. 22-12b) Licensing of fur breeders. Disease Control.

Section 22-12b is repealed and following substituted (Effective from passage)



The breeding and raising in captivity of foxes, mink, chinchilla, marten, fisher, nutria and muskrat, and the marketing of such animals, shall be classified as farming and as an agricultural pursuit and all such animals so raised in captivity, or lawfully acquired, shall be classified as domestic animals. No person shall possess two or more such animals of opposite sex without first obtaining a fur breeder's license from the Department of Agriculture. The fee for such license shall be sixteen dollars. Such license shall be annual and nontransferable and shall expire on the thirty-first day of December after its issuance. All applications for such licenses shall be upon blanks prepared and furnished by the Commissioner of Agriculture. All license fees received by the commissioner under the provisions of this section shall be transmitted to the State Treasurer and by [him] the State Treasurer be applied to the General Fund. All licensees shall keep a record of all such animals exchanged or transported by such licensees, whether the same are alive or dead, and shall report to the commissioner at the expiration of the license period, on forms furnished by the commissioner, the number of animals possessed at the beginning of the license period, those disposed of during such period and the number of animals on hand at the close of the period. For purposes of disease control, the commissioner at his discretion may require special import or export permits for any specified period. Said commissioner, in the interest of protecting game or domestic animals from disease, may confiscate animals possessed by licensees referred to herein, and may quarantine the same, and may destroy such animals when, in his opinion, such action is advisable. Any license granted under the provisions of this section may be revoked by the commissioner for a violation of any regulation made by [him] them or a violation of any provision of this section. Any person who violates any provision of this section shall be fined not more than two hundred fifty dollars.

Section xx

(Sec. 22-14) Birth certificate or agricultural work permit required.

Section 22-14 is repealed and following substituted (Effective from passage)

No minor under sixteen years of age shall be employed or permitted to work, when school is not in session, in any agricultural occupation unless the employer of such minor has received a birth certificate, an agricultural work permit issued by the Department of Education or other legal proof of age. Each employer shall retain in [his] their possession and make available to the commissioner or [his] their agent for inspection, each such legal proof of age, until the termination of the employment of the minor therein named. At the termination of employment, the employer shall return to each minor upon request such legal proof of age.

Section xx

(Sec. 22-16) Employer of more than fifteen affected.

Section 22-16 is repealed and following substituted (Effective from passage)

The provisions of sections 22-13 to 22-17, inclusive, shall apply during any calendar week to any employer whose average number of employees during that week is more than fifteen. Said provisions



shall not apply to work performed for an employer engaged in agriculture by members of [his] their immediate family.

Section xx

Sec. 22-17 Penalty.

Section 22-17 is repealed and following substituted (Effective from passage)

Any person, including a parent or guardian, whether acting for [himself] themselves or as agent for another, who employs or authorizes or permits to be employed any minor in violation of sections 22-13 to 22-16, inclusive, shall be fined, for a first violation, not more than fifty dollars and, for each subsequent violation, not more than one hundred dollars.

Section xx

Sec. 22-17a. Sanitary regulations concerning agricultural workers.

Section 22-17a is repealed and following substituted (Effective from passage)

The Labor Commissioner may make regulations and establish standards as to living quarters furnished by a farm operator to agricultural workers and to migratory farm laborers to insure their adequacy as to sanitation and reasonable comfort and convenience. Said commissioner may make such inspections as [he deems] deemed necessary to insure the observance of such regulations and standards.

Section xx

Sec. 22-26c Connecticut Farm Wine Development Council.

Section 22-26c is repealed and following substituted (Effective from passage)

(a) There shall be a Connecticut Farm Wine Development Council which shall be within the Department of Agriculture for administrative purposes only. Said council shall consist of thirteen members as follows: The Commissioners of Agriculture and Economic and Community Development, the dean of the College of Agriculture and Natural Resources of The University of Connecticut and the directors of the Storrs Agricultural Experiment Station and the Connecticut Agricultural Experiment Station, or their respective designees; and eight members engaged in the wine production industry in this state, appointed as follows: Two members appointed by the Governor, and one member each appointed by the president pro tempore of the Senate, the speaker of the House of Representatives and the majority and minority leaders of the House of Representatives and the Senate.

(b) The term of one of the initial appointments from the wine production industry shall expire on the last day of July, 1988, the terms of two shall expire on the last day of July, 1989, and the terms of two shall expire on the last day of July, 1990. On or before the first day of July, 1987, and annually



thereafter, the commissioner shall appoint members to succeed the members whose term expires. Said members shall serve a term of four years. The commissioner shall fill any vacancy by appointment for the unexpired portion of the term vacated.

(c) Members of the council shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties. No member shall serve for more than four consecutive terms. A majority of the council shall constitute a quorum.

(d) The Commissioner of Agriculture shall be the [chairman] chairperson of the council.

(e) The council may receive funds from any source 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 wine production and related products.

Section xx

Sec. 22-26g Noise-making devices used in agriculture to repel wildlife. Permits. Operation. Municipal resolution re undue hardship. Best practical use procedure. Violation. Warning. Revocation. Appeal. Fine.

Section 22-26 is repealed and following substituted (Effective from passage)

(a) No person may use any noise-making device to scare or repel wildlife in order to prevent the damage and destruction of agricultural crops unless such person obtains a permit for each such device from the Commissioner of Agriculture. Notwithstanding any provision of the general statutes or any provision of a municipal ordinance, which ordinance is adopted after June 21, 1967, a person engaged in agriculture may make written application to the commissioner for such a permit on forms prescribed by the commissioner. The commissioner, or the commissioner's designee, may make an on-site inspection prior to making a final determination regarding an application for such permit. Prior to the issuance of such permit, the applicant shall provide evidence of the need for protection of the applicant's crops, a description of other methods employed to prevent crop damage and an estimate of the potential loss, as a percentage of the crop, attributed to wildlife damage. The term of the permit shall be for the period for which protection of the crops specified in the application is necessary.

(b) The application shall state (1) the type of noise-making device to be used, (2) the location of the farm where such device will be used, (3) the locations on the farm where such device will be used, (4) the animal causing damage, (5) the crops to be protected, (6) the hours and interval of operation, (7) the period for which protection is needed, and (8) the name, address and signature of applicant or landowner, if different.

(c) The commissioner may authorize the use of the following in permits issued under this section: Propane exploders, acetylene exploders, carbide exploders, electronic noisemakers and similar noise-



making devices. The use of fire crackers and similar explosives is prohibited. No permit shall be issued for the use of any noise-making device for a property of less than five acres in area or for use within five hundred feet of any dwelling, other than the dwelling of the applicant for such permit, without the written consent of the occupants of such dwelling.

(d) No person may operate or allow the operation of noise-making devices pursuant to this section in excess of 80 dB peak sound pressure level from ten o'clock p.m. to seven o'clock a.m. local time or in excess of 100 dB peak sound pressure level from seven o'clock a.m. to ten o'clock p.m. local time. Such sound level shall be as measured from the property line of any receptor residential property. Any noise-making device authorized pursuant to this section shall be operated in accordance with the recommendations of the manufacturer of such device and any written conditions contained in the permit that the commissioner or the commissioner's designee deems appropriate.

(e) No noise-making device shall be used in any manner or in any location that may endanger public safety. Any noise-making device permitted under this section to repel or scare birds may only be operated from one-half hour before sunrise to one-half hour after sunset. Any such noise-making device used to repel or scare nocturnal or crepuscular marauding wild animals may be operated between sunset and sunrise.

(f) Any noise-making device used pursuant to this section shall bear a weather-resistant tag that shall state the name, address and phone number of the operator of the noise-making device. At all times, such tag shall be securely affixed to the noise-making device and shall be legible.

(g)

(1) If the legislative body of any municipality adopts a resolution that states that there is undue hardship on nearby residents as a result of the use of any device permitted under this section, and that requests that the commissioner deny or cancel the right to use such device, or, in the alternative, institute a best practical use procedure described in subdivision (2) of this subsection, the commissioner, in accordance with the provisions of chapter 54, may deny or cancel a permit to use such device, or, in the alternative, institute a best practical use procedure in accordance with subdivision (2) of this subsection, if the commissioner determines that its use creates, or will create, an undue hardship on nearby residents. In making any such decision, the commissioner may consult with experts in wildlife damage to crops and any county or state-wide advisory group the commissioner deems appropriate. For the purposes of this subsection, "undue hardship" means causing significant injury to the health and comfort of a person, as a result of the use of the permitted device while such person is on his or her own real property and within the curtilage of his or her home.

(2) The commissioner may require the implementation of a best practical use procedure by a permittee in response to a resolution adopted pursuant to subdivision (1) of this subsection if the commissioner determines that such a best practical use procedure is feasible to limit the excessive use of such permitted device. Any such best practical use procedure shall limit the use of the



permitted device to an extent that provides for the least detrimental level of use of such permitted device while enabling such device to be effective. In developing any such best practical use procedure, the commissioner shall assess the permitted device, the accepted trade practices associated with the effective use of such device, the technical feasibility of implementation and use of a best practical use procedure, the nature of the area in which the permitted device is used, the crop that is intended to be protected through use of such device and the wildlife that is intended to be scared or repelled by use of the permitted device. The provisions of this subsection shall not be construed to authorize any cause of action.

(h) The Commissioner of Agriculture, or the commissioner's designee, shall issue a warning notice for each of the first two violations by a permittee of any provision of this section in any twelve-month period. The commissioner shall revoke a permit issued pursuant to this section for not less than one year upon the third violation of this section in any twelve-month period by such permittee. Any person who has [his or her] their permit revoked by the commissioner or the commissioner's designee may appeal such order provided such person requests a hearing, in writing, to the commissioner and such request is received by the commissioner not later than fifteen days after the date of such order. During any such appeal, such order shall remain in effect until a final decision is rendered. The commissioner may appoint a hearing officer to hear such appeal and render a final decision, as the commissioner deems appropriate. In any such appeal, the only consideration shall be whether the violation or violations alleged actually occurred.

(i) Any person who operates a noise-making device without a permit, during an appeal period for a permit revocation, or after a permit is revoked shall be fined one hundred dollars for the first offense and three hundred dollars for a second and any subsequent offense. Each noise-making device operated in violation of this section shall constitute a separate offense.

Section xx

Sec. 22-26cc. State acquisition of development rights to agricultural land. Program established. Joint ownership by the state and a town. Assistance of nonprofit organization. State acquisition of right to construct residence or farm structure.

Section 22-26cc is repealed and following substituted (Effective from passage)

(a) There is established within the Department of Agriculture a program to solicit, from owners of agricultural land, offers to sell the development rights to such land and to inform the public of the purposes, goals and provisions of this chapter. The commissioner, with the approval of the State Properties Review Board, shall have the power to acquire or accept as a gift, on behalf of the state, the development rights of any agricultural land, if offered by the owner. Notice of the offer shall be filed in the land records wherein the agricultural land is situated. If ownership of any land for which development rights have been offered is transferred, the offer shall be effective until the subsequent



owner revokes the offer in writing. The state conservation and development plan established pursuant to section 16a-24 shall be applied as an advisory document to the acquisition of development rights of any agricultural lands. The factors to be considered by the commissioner in deciding whether or not to acquire such rights shall include, but not be limited to, the following: (1) The probability that the land will be sold for nonagricultural purposes; (2) the current productivity of such land and the likelihood of continued productivity; (3) the suitability of the land as to soil classification and other criteria for agricultural use; (4) the degree to which such acquisition would contribute to the preservation of the agricultural potential of the state; (5) any encumbrances on such land; (6) the cost of acquiring such rights; and (7) the degree to which such acquisition would mitigate damage due to flood hazards. Ownership by a nonprofit organization authorized to hold land for conservation and preservation purposes of land which prior to such ownership qualified for the program established pursuant to this section shall not be deemed to diminish the probability that the land will be sold for nonagricultural purposes. After a preliminary evaluation of such factors by the Commissioner of Agriculture, [he] the commissioner shall obtain and review one or more fee appraisals of the property selected in order to determine the value of the development rights of such property. The commissioner shall notify the Department of Transportation, the Department of Economic and Community Development, the Department of Energy and Environmental Protection and the Office of Policy and Management that such property is being appraised. Any appraisal of the value of such land obtained by the owner and performed in a manner approved by the commissioner shall be considered by the commissioner in making such determination. The value of development rights for all purposes of this section shall be the difference between the value of the property for its highest and best use and its value for agricultural purposes as determined by the commissioner. The use or presence of pollutants or chemicals in the soil shall not be deemed to diminish the agricultural value of the land or to prohibit the commissioner from acquiring the development rights to such land. The commissioner may purchase development rights for a lesser amount provided he complies with all factors for acquisition specified in this subsection and in any implementing regulations. In determining the value of the property for its highest and best use, consideration shall be given but not limited to sales of comparable properties in the general area, use of which was unrestricted at the time of sale.

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



(c) The commissioner shall have no power to release such land from its agricultural restriction, except as set forth in this subsection. The commissioner, in consultation with the Commissioner of Energy and Environmental Protection and such advisory groups as the Commissioner of Agriculture may appoint, may approve (1) a petition by the owner of the restricted agricultural land to remove such restriction provided such petition is approved by resolution of the legislative body of the town, or (2) a petition by the legislative body of the town in which such land is situated to remove such restriction provided such petition is approved in writing by said owner. Upon approval of such a petition by the commissioner, the legislative body of the town shall submit to the qualified voters of such town the question of removing the agricultural restriction from such land or a part thereof, at a referendum held at a regular election or a special election warned and called for that purpose. In the event a majority of those voting at such referendum are in favor of such removal, the restriction shall be removed from the agricultural land upon filing of the certified results of such referendum in the land records and the office of the Secretary of the State, and the commissioner shall convey the development rights to such owner provided such owner shall pay the commissioner an amount equal to the value of such rights. Such petition shall set forth the facts and circumstances upon which the commissioner shall consider approval, and said commissioner shall deny such approval unless [he] the commissioner determines that the public interest is such that there is an overriding necessity to relinquish control of the development rights. The commissioner shall hold at least one public hearing prior to the initiation of any proceedings hereunder. The expenses, if any, of the hearing and the referendum shall be borne by the petitioner. In the event that the state sells any development rights under the procedure provided in this subsection, it shall receive the value of such rights.

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

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

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



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

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

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

(j) The commissioner, when acquiring the development rights of any agricultural lands on behalf of the state, may incorporate deed requirements in accordance with the provisions of the federal Farm



and Ranch Lands Protection Program, 7 CFR 1491.1, et seq., or under the Agricultural Conservation Easement Program, 7 CFR 1468.1, et seq., or any successive federal farmland protection program.

Section xx

Sec. 22-27. Establishment of standards. Market information.

Section 22-27 is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture is authorized to investigate marketing conditions and to establish and maintain state brands for farm and horticultural crops, including poultry and poultry products. [He] The commissioner may obtain, prepare and disseminate information concerning the marketing, prices, supply and demand for any or all farm products and their movement through commercial channels and the quantity and condition of such products in cold storage and, for such purposes, may inspect the books of any wholesaler dealing in such products, and may obtain and furnish quotations upon any such product or article and farm supplies on request.

(b) The Commissioner of Agriculture is authorized to establish and maintain standard packages, grades and classifications for farm and horticultural crops, including poultry and poultry products, such standards, as far as possible, to be identical with similar standards established under authority of the Congress of the United States.

Section xx

Sec. 22-31. Inspection. Certification.

Section 22-31 is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture or any person authorized by [him] them shall have free access at all reasonable hours to any building or other place wherein it is reasonably believed that farm products labeled in accordance with official grades established and promulgated by the Commissioner of Agriculture are being marketed or held for commercial purposes, shall have power to open any bag, crate or other container of such farm products and examine the contents thereof and may, upon tendering the market price, take samples therefrom.

(b) The Commissioner of Agriculture may inspect farm products to establish official grades or standards and certify the quality and condition of such products and other material facts relative thereto. Certificates issued in pursuance of such inspection and executed by the Commissioner of Agriculture or any person authorized by [him] the commissioner shall state the date and place of inspection, the grade, condition and approximate quality of the farm products inspected and any other pertinent facts that said commissioner may require. Such a certificate and all federal



certificates relative to the condition or quality of such farm products shall be prima facie evidence in all courts of the state of the facts required to be stated therein.

Section xx

Sec. 22-34. Products sold under names designated by commissioner.

Section 22-34 is repealed and following substituted (Effective from passage)

No person shall use any words, titles or names designated by the Commissioner of Agriculture, under the provisions of sections 22-27, 22-28 and 22-29, subsection (b) of section 22-31 and section 22-33, for use in grading or marketing of farm products, unless the products which [he is] they are identifying, advertising, designating or describing thereby fully meet the requirements of the official grade indicated by such words, titles or names. If, in the opinion of the Commissioner of Agriculture or [his] the commissioner's representative, any lot or lots of such products so identified, advertised, designated or described are not of the grade indicated, said commissioner shall cause inspections thereof to be made by regularly appointed inspectors for the purpose of determining the actual grade of such products. Any person, firm or corporation which violates any provision of this section shall be fined not more than fifty dollars for the first offense and not more than two hundred dollars for each subsequent offense.

Section xx

Sec. 22-39e. Inspection by Commissioner of Agriculture

Section 22-39e is repealed and following substituted (Effective from passage)

The Commissioner of Agriculture or any of [his] the commissioner's agents shall, periodically and at a reasonable time, enter any building or place where fruit of controlled atmosphere storage origin, from either within or outside the state of Connecticut, is sold or offered or exposed for sale and may open therein any box or other container of any such fruit and may take samples therefrom upon paying or tendering the payment of the retail market price for the quantity of each such sample taken. The commissioner shall also have the power to authorize federal inspection of such fruit in the same manner as that provided for state inspectors. Any person who refuses to allow said commissioner, any of his authorized agents or federal inspectors authorized by [him] the commissioner to enter any premises described in this section, or otherwise interferes with him in the performance of his duties of inspection under the provisions of this section, shall be subject to the penalties specified in section 22-39f.



Section xx

Sec. 22-53. Taking of samples.

Section 22-53 is repealed and following substituted (Effective from passage)

The Commissioner of Agriculture or any of [his] the commissioner's agents may, at any reasonable time, enter any building or place where apples are packed, stored, sold or offered or exposed for sale and may open therein any box or other container of any such apples and may take samples therefrom upon paying or tendering the payment of the retail market price for the quantity of each such sample taken. Any person who refuses to allow said commissioner or any of his authorized agents to enter any premises described in this section, or otherwise interferes with him in the performance of his duties of inspection under the provisions of this part, shall be subject to the penalties specified in section 22-54.

Section xx

Sec. 22-118s. Order of commissioner. Seizure of feed.

Section 22-118s is repealed and following substituted (Effective from passage)

(a) When the Commissioner of Agriculture, or [his] the commissioner's designee, has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of sections 22-118k to 22-118t, inclusive, or any regulations adopted under sections 22-118k to 22-118t, inclusive, [he] the commissioner may issue and enforce a written or printed withdrawal from distribution order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the commissioner or the Superior Court. The commissioner shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained within thirty days, the commissioner may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

(b) Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds said commercial feed to be in violation of sections 22-118k to 22-118t, inclusive, and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state provided, in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with sections 22-118k to 22-118t, inclusive, and regulations adopted thereunder.

Section xx



Sec. 22-120a. Reimbursement of Poultry Breeders' Society for premiums paid. Commissioner's duties.

Section 22-120a is repealed. (Effective from passage)

Section xx

Sec. 22-128. Powers and duties of commissioner. Access to premises. Removal or abatement of insanitary condition. Civil penalty.

Section 22-128 is repealed and following substituted (Effective from passage)

- (a) The commissioner may employ such agents and assistants as are necessary to enforce the provisions of this chapter and the provisions of the regulations of the Milk Regulation Board and the orders of the commissioner as authorized by said board, and [he and his] the commissioner and the commissioner's deputy or agents and assistants, for the purpose of examining into any suspected violation of the provisions of this chapter, shall have free access, at all reasonable hours, to all places and premises, apartments of private families keeping no boarders excepted, in which [he] the commissioner suspects that the laws relating to milk or any other milk product under his jurisdiction are being violated.
- (b) The agents of any dealer, cooperative or other transportation agencies having knowledge or record of any consignment of milk and cream shall inform the commissioner or [his] the commissioner's deputy, agent or assistant of such consignment and the name of the consignee when requested by the commissioner or [his] the commissioner's deputy, agent or assistant.
- (c) The commissioner or [his] the commissioner's deputy, agent or assistant shall make an examination of the premises of any farm or dairy, or any place in which cattle, dairy stock or other domestic animals are kept within this state, in which any insanitary condition liable to affect the products of such farm or dairy exists, or is reported or suspected to exist. When any such condition is found [by him], [he] they shall notify the owner or occupant of the premises upon which such condition exists to remove or abate the same at the expense of such owner or occupant, within such time as the commissioner or [his] the commissioner's deputy, agent or assistant directs; and [he] they may, by notice in writing to the owner or occupant, prohibit the sale of any milk or milk products produced on any farm or in any dairy, the owner or occupant of which fails to comply with any order of the commissioner or his deputy, agent or assistant to remove or abate any insanitary condition existing on such premises which is liable to affect the products of such farm or dairy, until such insanitary condition is removed or abated to the satisfaction of the commissioner or [his] the commissioner's deputy, agent or assistant, and such prohibition shall be terminated by [him] the commissioner or the commissioner's deputy, agent, or assistant in writing, but such prohibition may remain in effect five days at the discretion of the commissioner.
- (d) Any person who refuses the access provided for herein to the commissioner, [his] the commissioner's deputy, agent or assistant, or who sells any milk or milk products of any farm or dairy,



the sale of which has been prohibited as herein provided, shall be assessed a civil penalty in accordance with the provisions of section 22-7.

Section xx

Sec. 22-134. Violation of regulations of board or orders of commissioner. Civil penalty.

Section 22-134 is repealed and following substituted (Effective from passage)

No person shall engage in the production, care, marketing or sale of milk or cream unless [he has] they have complied with the regulations of said board. Any person who violates any provision of this section or of any regulation established by said board or of any order of said commissioner duly authorized shall be assessed a civil penalty in accordance with the provisions of section 22-7.

Section xx

Sec. 22-139. Tests to be made by licensed tester.

Section 22-139 is repealed and following substituted (Effective from passage)

(a) Each person, firm or corporation, or agent or employee thereof, engaged in the business of receiving or buying milk or cream on the basis of the percentage of butterfat contained therein as determined by any test approved by the Milk Regulation Board of samples taken in accordance with the regulations of the Milk Regulation Board, shall have the test or tests made only by a licensed tester, who shall be responsible for the same.

(b) Each licensed tester shall post [his] their license in plain view in the testing room in which [he is] they are employed.

(c) The commissioner may suspend or revoke such license for failure to post it as required under this section. Each such license which has been revoked shall be returned to the commissioner.

Section xx

Sec. 22-140. Samples to be taken by licensed samplers.

Section 22-140 is repealed and following substituted (Effective from passage)

(a) Each person, firm or corporation engaged in the business of buying milk or cream on the basis of the percentage of butterfat contained therein, as determined by any test approved by the Milk



Regulation Board of samples taken in accordance with the regulations of the Milk Regulation Board, shall have the samples taken by a person holding a license to sample milk or cream.

(b) Each licensed sampler shall carry upon [his] their person or post [his] their license in plain view in the plant in which he is employed.

(c) The commissioner may revoke such license for failure to carry or post it as required under this section or for any other just cause. Each such license which has been revoked shall be returned to the commissioner.

Section xx

Sec. 22-141. Weighing or gaging to be licensed weigher or gager.

Section 22-141 is repealed and following substituted (Effective from passage)

(a) Each person, firm or corporation engaged in the business of buying milk or cream by weight shall have such milk or cream weighed by a licensed weigher when such milk or cream is purchased or gaged by a licensed gager when such milk or cream is bought from or at a dairy farm, using a bulk milk cooling tank approved by the commissioner and currently calibrated for the measurement of milk quantity by the Commissioner of Consumer Protection.

(b) Each licensed weigher or gager shall have [his] their license in [his] their possession, or available for inspection, during working hours.

(c) The Commissioner of Agriculture may revoke any such weigher's license or gager's license for just cause. Each such license which has been revoked shall be returned to the commissioner.

Section xx

Sec. 22-146. Examination of records and apparatus.

Section 22-146 is repealed and following substituted (Effective from passage)

The commissioner and [his] the commissioner's agents are authorized to enter the premises and to examine the test and weight records and testing apparatus of any person, firm or corporation for the purpose of carrying out the provisions of sections 22-136 to 22-148, inclusive.

Section xx

Sec. 22-165. Samples of milk, cream and milk products; analysis. Fees.

Section 22-165 is repealed and following substituted (Effective from passage)

(a) The commissioner and [his] the commissioner's deputy, agents and assistants may take samples of milk, cream or milk products from any producer, dealer, vendor, processor or manufacturer upon



tender of the market price thereof, and shall seal and mark such samples, and, upon request of such producer, dealer, vendor, processor or manufacturer, or [his] the commissioner's agent, shall seal and mark duplicate samples and leave the duplicate samples with such persons. The official analysis of such samples shall be made by the Connecticut Agricultural Experiment Station or the Laboratory Division of the Department of Public Health, or any other laboratory approved for making such examinations.

(b) The commissioner shall collect from the dairy plant, producer, retail raw milk producer or milk dealer permittee a fee or fees established by the commissioner pursuant to section 22-128a, sufficient to cover the actual cost of bio-assays and chemical tests made on samples of milk and milk products. Such fees shall be deposited in the General Fund. The dairy plant, producer, retail raw milk producer or milk dealer permittee shall only be required to pay fees for samples taken to verify product safety when required routine testing has shown the product to be in violation of this chapter. The commissioner may suspend any license or permit issued pursuant to this chapter or chapter 431 to any dairy plant, producer, retail raw milk producer, cheese or yogurt manufacturer, dry milk manufacturer or dealer who fails to pay such fees within sixty days after being billed by the commissioner.

Section xx

Sec. 22-181. Application for permit by new producer.

Section 22-181 is repealed and following substituted (Effective from passage)

Any new producer shall make application to the commissioner for a permit at least seven working days prior to the time [he desires] they desire to ship milk to a Connecticut dealer.

Section xx

Sec. 22-182a. Duties of commissioner if Federal Milk Order suspended or terminated.

Section 22-182a is repealed and following substituted (Effective from passage)

Wherever in sections 22-176, 22-177 and 22-182 reference is made to the Federal Milk Order applicable to Connecticut, if such order is suspended or terminated, the Commissioner of Agriculture shall substitute a computation based on reports to [him] them of the receipts and uses of milk by all dealers with plants approved for the sale of milk in Connecticut.



Section xx

Sec. 22-186. Statements pertaining to receipt and disposition of milk and cream. Information to producers. Termination of Federal Milk Order. Assessment on producers.

Section 22-186 is repealed and following substituted (Effective from passage)

(a) Upon the request of the commissioner and within ten days after the close of each month's business, each person, firm or corporation which bottles, manufactures, processes, sells or distributes milk or cream within the state shall make and forward to the commissioner a sworn statement, on forms prescribed by the commissioner, in regard to the quantity of milk or cream received, sold, distributed or manufactured by such person, stating where such milk or cream was produced and specifying the number of quarts of milk sold or disposed of in fluid form, the quantity of milk which has been used to produce cream sold in fluid form and the quantity of milk which has been used to produce manufactured products. Each such statement shall provide such other information pertaining to the receipts, sale, use or disposition of milk, cream and milk products as the commissioner requires. The commissioner shall, upon request of the producer or producers directly affected thereby, transmit information pertaining to the receipts of milk from various sources by a particular dealer and the uses made of it by such dealer.

(b) If the Federal Milk Order applicable to Connecticut is terminated, the commissioner or [his] the commissioner's designated agent shall have power to examine, copy and audit, from time to time, as he deems necessary and proper, the books, papers, records and accounts of all dealers with plants approved for the sale of milk in Connecticut and others for the purpose of effectuating the policy and provisions of this chapter or any order, ruling, regulation or direction promulgated hereunder. The commissioner or [his] the commissioner's designated agent shall have access to and may enter and inspect at all reasonable hours all places, equipment and vehicles where milk and milk products are being received, purchased, stored, bottled, manufactured, sold or handled and where books, papers, records or accounts relating thereto are kept.

(c) The commissioner may levy an assessment on all milk producers, at a rate to be determined by the commissioner, after public hearing, which shall not exceed one cent for each hundredweight of milk produced. Assessment funds received from milk producers shall be paid by the commissioner to the State Treasurer to the account of the General Fund, and all moneys so paid are appropriated to the commissioner for the administration of this section.

Section xx

Sec. 22-203a. Testing of milk and milk products for drug residues or other inhibitory substances. Maintenance of records.

Section 22-203a is repealed and following substituted (Effective from passage)



(a) Any person, firm or corporation engaged in receiving, handling, processing or packaging milk or milk products shall test each tank truck load of milk or milk products for the presence of drug residues or other inhibitory substances upon receipt of such milk or milk product at the receiving plant prior to processing. In the case of interplant shipments of bulk milk or milk products, each bulk tank load, or portion thereof, shall be tested prior to processing for the presence of drug residues or other inhibitory substances. The Commissioner of Agriculture may require a milk producer holding a permit issued under section 22-172 or a retail raw milk producer holding a permit issued under section 22-173a who violates section 22-129 to test milk produced by [him] them for the presence of drug residues or inhibitory substances prior to shipment. For purposes of this section and sections 22-203b to 22-203d, inclusive, "drug" means (1) articles recognized in the Official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; or (4) articles intended for use as a component of any articles specified in subdivision (1), (2) or (3), but does not include devices or their components, parts or accessories.

(b) Any test administered pursuant to this section shall be approved by the Commissioner of Agriculture and shall be capable of determining compliance with standards for drug residue tolerance levels recommended by the United States Food and Drug Administration. Any test approved by the commissioner shall be rapid and economically feasible and shall be performed at a facility or location and in a manner acceptable to the commissioner. The results of any test required shall be recorded by the person administering such test and kept on file at the location where the test was conducted or at the processing plant for not less than two years.

(c) Each retail raw milk producer and intrastate dealer with ten or fewer milking age animals shall maintain records, which shall be available for inspection by the commissioner, or the commissioner's designee, for each individual animal treated with a drug. Such records shall include the name of the drug or drugs, withdrawal time required for each drug, treatment dates, and, after completion of such treatment, the date such animal's milk is offered for sale. Retail raw milk producers and intrastate dealers with more than ten milking age animals shall comply with this section.

Section xx

Sec. 22-208. Official Seal.

Section 22-208 is repealed and following substituted (Effective from passage)

The Commissioner of Agriculture may, for the authentication of [his] their records, process and proceedings, adopt and use a seal, of which judicial notice shall be taken in all courts of the state. All acts, proceedings, orders, rulings, regulations, directions, papers, findings and other records of the



commissioner and all reports or documents filed with him may be proved in any court of this state by a copy thereof, certified by the commissioner, with [his] the seal attached thereto; and certification under seal that an order or regulation has been posted, filed and publicized as provided for herein shall constitute evidence of compliance with all formalities in respect thereto.

Section xx

Sec. 22-212. Coordination with other authorities.

Section 22-212 is repealed and following substituted (Effective from passage)

In order to effectuate the policies and provisions of this part and, when deemed necessary, to obtain uniformity in the formulation, administration and enforcement of any order, ruling or regulation issued hereunder or promulgated by the duly constituted authorities of the United States, other states and the state of Connecticut, pertaining to the regulating or the handling of milk and milk products, the Commissioner of Agriculture shall have power to confer, cooperate and enter compacts with such authorities; to avail [himself] themselves of records and facilities of, and to make available records and facilities to, such authorities; to conduct joint investigations and hold joint hearings; to issue orders, rulings or regulations jointly or concurrently with, or complementary to those issued by, such authorities; to administer or assist in the administration of any joint, concurrent or complementary orders relating to Connecticut milk markets whether issued by the duly constituted authorities of the United States, other states or the state of Connecticut; to collaborate with such authorities and others in the development and operation of measures for the encouragement of increased milk consumption or equitable disposition of milk surpluses originating within the state and to designate a joint agent or joint agencies when necessary to effectuate or enforce the foregoing.

Section xx

Sec. 22-224. Information and records.

Section 22-224 is repealed and following substituted (Effective from passage)

Dealers shall furnish to the Commissioner of Agriculture such information as [he deems] deemed necessary, from time to time, to effectuate the policy and provisions of this part or any order, ruling, regulation or direction issued thereunder; and such information shall be furnished upon such forms or reports as the commissioner prescribes. Dealers shall keep within the state such books, records and accounts of their operations as the commissioner deems necessary for correctly furnishing information required hereunder; and such data shall be preserved for not less than two years unless the commissioner otherwise provides. Such information, books, records and accounts may pertain to or include: (1) The quantities, butterfat test and sources of milk or milk products produced, received or purchased and contracts with respect thereto; (2) the quantities used, sold or otherwise disposed of, stating the butterfat test and outlets in the various classes, grades and products of milk; (3) the prices paid and charged for such milk and milk products; (4) the cost of handling or distributing milk and milk products, including transportation or hauling costs; (5) all other matters relevant thereto or otherwise necessary to effectuate the policy and provisions of this part or any order, ruling, regulation or direction promulgated thereunder.



Section xx

Sec. 22-227. Inspection and Audit

Section 22-227 is repealed and following substituted (Effective from passage)

The Commissioner of Agriculture or [his] the commissioner's designated agent shall have power to examine, copy and audit, from time to time, as he deems necessary and proper, the books, papers, records and accounts of dealers and others for the purpose of effectuating the policy and provisions of this part or any order, ruling, regulation or direction promulgated hereunder. The commissioner or [his] the commissioner's designated agent shall have access to and may enter and inspect at all reasonable hours all places, equipment and vehicles where milk and milk products are being received, purchased, stored, bottled, manufactured, sold or handled and where books, papers, records or accounts relating thereto are kept. The commissioner may make known the findings of such examination, inspection or audit to the producers directly interested therein when, in [his] their judgment, such action will best effectuate the policy and provisions of this part or any order, ruling or regulation promulgated hereunder.

Section xx

Sec. 22-228. Subpoena; punishment for contempt.

Section 22-228 is repealed and following substituted (Effective from passage)

The Commissioner of Agriculture shall have power to subpoena dealers and others, and such books, papers, records, accounts and other data as in [his] their judgment may be necessary to effectuate the policy and provisions of this part or any order, ruling, regulation or direction promulgated hereunder. The commissioner or [his] the commissioner's designated agent may issue subpoenas and administer oaths to witnesses. Witnesses so required to attend shall be entitled to the same fees and mileage as are paid to witnesses required to appear in the Superior Court. If any person fails to appear in response to such subpoena, to produce matter required thereunder or to answer any question addressed to [him] them by the commissioner or [his] the commissioner's designated agent, the superior court for any judicial district or, if the person is not located in this state, the superior court for the judicial district of Hartford, or any judge thereof when such court is not in session, upon application made to it or to [him] them alleging such failure, may make an order requiring such person to appear before the commissioner or [his] the commissioner's agent and answer any material question and produce the matter required; provided, when any testimony is refused upon a valid claim of privilege to prevent self-incrimination, such testimony may be required but shall not be used in any criminal proceeding to incriminate the witness claiming such privilege. If any person fails to comply with any requirement of such order, the court or judge shall commit such person to a community correctional center until [he] such person complies therewith, but not for a longer period than sixty days.

Section xx



Sec. 22-234. Hearings; service of rulings.

Section 22-234 is repealed and following substituted (Effective from passage)

Before refusing to grant or renew, or before suspending, revoking or refusing to transfer, a license, the Commissioner of Agriculture shall afford the applicant or licensee an opportunity to be heard before [him or his] the commissioner or the commissioner's designated agent. A citation shall be directed to such applicant or licensee by registered or certified mail to his last-known address, giving at least five days' notice of such hearing and a statement of the matters complained of. After such hearing and upon entry of any ruling thereon, the commissioner shall forthwith serve a certified copy of such ruling upon the applicant or licensee at [his] their place of business or by registered or certified mail to his last-known address. The original, and a statement in writing of the findings of fact in support thereof, shall be filed in the office of the commissioner.

Section xx

Sec. 22-239. Commissioner may require bonds or other security of milk dealers.

Section 22-239 is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture shall have the power, [when he] upon finding [finds] such action necessary for the protection of producers, to require a dealer holding a permit issued under section 22-173 or 22-184 to provide a bond or other security, satisfactory to the commissioner, payable to the state of Connecticut for the benefit of such producers. Such bond, with sufficient surety, or other security, properly assigned to the commissioner, shall be filed with the commissioner, in such form as [he] the commissioner prescribes, and conditioned upon full and prompt payment for all milk received or purchased from producers by such dealer during the license year or remainder thereof.

(b) Such other security may be: (1) Cash deposited with a bank or trust company and held under an escrow agreement with the Commissioner of Agriculture, (2) United States government interest-bearing obligations and negotiable bonds for the United States deposited with the commissioner or (3) the assignment of assets such as the cash surrender value of life insurance policies owned by the dealer; stock or bonds or other marketable securities the value of which has been determined by the market quotation listed in The Wall Street Journal on the first calendar day of each quarter, or real property the value of which has been determined by an appraisal filed with the commissioner.

Section xx

Sec. 22-241. Standards for determining bond as security requirement.

Section 22-241 is repealed and following substituted (Effective from passage)



In determining whether it is necessary for the protection of producers that a dealer file a bond or other security as provided in section 22-239 the Commissioner of Agriculture shall consider the amount of money owed by such dealer to producers and others, the financial condition of such dealer and [his] the dealer's record for full and prompt payments to producers.

Section xx

Sec. 22-242. Default.

Section 22-242 is repealed and following substituted (Effective from passage)

Upon default under any condition of such bond or other security, the Commissioner of Agriculture may give reasonable notice to producers to file verified claims, fixing a reasonable time within which such claims shall be filed. The commissioner shall examine each claim so filed and shall determine and certify the amount due thereon. [He] The commissioner may bring an action upon the bond or take such other action as may be appropriate or necessary to convert the other security for the use of such producers and, for the purpose of such action, the certificate of the amount due shall be prima facie evidence of the facts therein stated. If the recovery upon the bond or other security is not sufficient to pay all claims filed and established, the amount recovered shall be prorated among the claimants.

Section xx

Sec. 22-242a. Bond of subdealer of milk.

Section 22-242a is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture shall have power, [when he finds] upon finding such action necessary for the protection of processing dealers, to require a subdealer of milk to provide a bond payable to the state of Connecticut for the benefit of such processing dealers. Such bond shall be filed with the commissioner, upon such form as [he] the commissioner prescribes, with sufficient surety and approved by the commissioner, conditioned for full and prompt payment for all milk received or purchased from processing dealers by such subdealer during the license year or remainder thereof, provided, if at the time of the default, such processing dealer or dealers are indebted or in arrears in payments to producers, the proceeds of such bond shall be held for the account of such dealer or dealers for the benefit of such producers. In determining whether it is necessary for the protection of processing dealers that a subdealer file a bond hereunder, the commissioner shall consider the amount of money owed by such subdealer to processing dealers and others, the financial condition of such subdealer and [his]such subdealer's record for full and prompt payments to processing dealers.

(b) Such bond shall be in an amount not exceeding double the value of the total amount of milk so received or purchased by such subdealer during any one month of the year preceding the requirement thereof and shall be filed within ten days after notice of requirement. In any case in



which the subdealer did not receive or purchase milk from processing dealers during at least six months of the year preceding such requirement, the commissioner shall determine the amount of the bond in a reasonable sum which shall not exceed double the value of the total amount of milk which it appears probable that such subdealer will receive or purchase from processing dealers during any one month of the year succeeding the requirement of such bond. The amount of the bond so required may be revised within six months after the filing thereof.

(c) Upon default under any condition of such bond, the commissioner may give reasonable notice to processing dealers to file verified claims, fixing a reasonable time within which such claims shall be filed. The commissioner shall examine each claim so filed and shall determine and certify the amount due thereon. [He]The commissioner may bring an action upon the bond and, for the purpose of such action, the certificate of the amount due shall be prima facie of the facts therein stated. If the recovery upon the bond is not sufficient to pay all claims filed and established, the amount recovered shall be prorated among the claimants.

Section xx

Sec. 22-244. Disruption of market.

Section 22-244 is repealed and following substituted (Effective from passage)

It shall be an unfair trade practice for any dealer in a marketing area to sell or otherwise dispose of milk at prices which the Commissioner of Agriculture finds, after notice and opportunity for hearing, before [him or his]the commissioner or the commissioner's designated agent, create a condition of emergency by disrupting and undermining or tending to disrupt and undermine the prices required hereunder to be paid by such dealer or by other dealers for milk received or purchased from producers, or by imperiling the ability of such dealer or other dealers to make full and prompt payment for such milk.

Section xx

Sec. 22-245. Cease and desist directives. Corrective terms and conditions.

Section 22-245 is repealed and following substituted (Effective from passage)

After such hearing and finding, the Commissioner of Agriculture may issue against such dealer or store a directive to cease and desist, and prescribe such corrective terms and conditions as [he] the commissioner determines upon the hearing evidence to be in the public interest. Such corrective terms and conditions may include one or more of the following or parts thereof, and other reasonable and similar terms or conditions with like corrective purpose, subject to such regulations as the commissioner prescribes in aid of the effectiveness of such directive: (1) In cases in which prices



are favoring, special or discriminatory, directing the revision of prices at which milk is so sold; or directing and specifying restoration of nondiscriminatory prices; or directing that no further sales be made to favored purchasers for a period not exceeding ninety days. Such provision may prohibit the sale or offer of reasonably similar quantities and qualities of milk under similar conditions to different purchasers at unreasonably different prices; or the sale or offer of milk of special properties or quality, or with an uncustomary amount of service or in an unusual container at prices which do not make allowance for differences in cost existing between such sales or offers and usual sales; (2) directing the revision of prices at which milk is sold; or directing and specifying restoration of normally prevailing resale prices for a period not exceeding ninety days considering comparable milk in the same locality at any reasonable preceding period of time in which resale price conditions were sufficiently stable to protect producers' prices, adjusting for any difference in producers' prices at such time and place; (3) prohibiting any dealer or store, directly or indirectly, from furnishing or receiving or offering to furnish or receive in connection with a sale or purchase of milk or offer to sell or purchase milk any rebate, discount, premium, gift or other thing of value, an unreasonable service or extension of credit, or an advertising allowance; from charging a combined price for milk, together with another commodity, or a service which is less, or is represented to be less, than the aggregate of the price of the milk and the price or value of such commodity or service when sold or offered for sale separately; or from otherwise applying or attempting to apply any method or device intended to defeat the policy of this part, or to defeat or evade any provision of this part or of any order, ruling or regulation issued hereunder. Nothing in this section shall be construed to prevent a dealer from participating in any program sponsored or conducted by the commissioner or any other governmental authority, designed to make milk available at specially low prices to groups designated by appropriate public authorities for the purpose of increasing consumption. Hearings may be held and directions issued under this section affecting one or more dealers concurrently or independently; and may be held only on such notice as the emergency reasonably permits. Directions under this section may be served upon a dealer at [his] their place of business or by registered or certified mail to [his]their last-known address.

Section xx

Sec. 22-272a. Approved methods of slaughter.

Section 22-272a is repealed and following substituted (Effective from passage)

(a) No person engaged in business as a slaughterer, packer or stockyard operator shall cause or permit any cattle, calves, sheep, swine, horses, mules, goats or other animals to be slaughtered or put into position for slaughter unless such animals are rendered insensible to pain or are restrained by an approved method. For the purpose of this section, a person shall be deemed to be engaged in business who slaughters any such animal for sale or trade.

(b) The following shall be deemed to be approved methods: (1) Rendering the animal insensible to pain by gunshot or mechanical, electrical, chemical or other rapid and effective means approved by the Commissioner of Consumer Protection or by the Secretary of Agriculture of the United States



pursuant to the federal Humane Slaughter Act of 1958 (An Act of Congress approved August 27, 1958, Public Law 85-765, 72 Stat. 862, 7 USC 1901-1906), as amended; (2) restraint of the animal by means of a pen approved by the commissioner which firmly encloses the animal and, with a minimum of excitement and discomfort, places the animal in such a position that a cutting stroke may be administered quickly and efficiently; (3) restraint of the animal by means of a body harness approved by the commissioner which lifts, supports and cradles the animal and, with a minimum of excitement and discomfort, places it in such a position that a cutting stroke may be administered quickly and efficiently, and (4) restraint of the animal by any other means approved by the commissioner which causes the animal no unreasonable or unnecessary pain and which, with a minimum of excitement and discomfort, places the animal in such a position that a cutting stroke may be administered quickly and efficiently.

(c) Use of a manually-operated sledge, hammer or poleax to render an animal insensible to pain is prohibited.

(d) Any person who violates the provisions of this section shall be guilty of a class C misdemeanor. The commissioner, or any meat inspector acting under [his] the commissioner's direction, may seize any animal slaughtered in violation of the provisions of this section and the commissioner may, at his discretion, sell or otherwise dispose of the same. The proceeds from any such sale shall be paid to the State Treasurer to be credited to the General Fund.

(e) Nothing in this section shall be construed to prohibit, abridge or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this section, in order to protect freedom of religion and ritual slaughter, the handling and other preparation of livestock for ritual slaughter are humane and are not to be regulated by any terms of this section.

Section xx

Sec. 22-277a. Prompt payment for livestock required.

Section 22-277a is repealed and following substituted (Effective from passage)

(a) Any dealer or broker licensed pursuant to chapter 437 and any person, firm or corporation licensed pursuant to section 22-277 shall deliver to the seller or [his] the seller's duly authorized representative before the close of the next business day following the purchase of livestock and transfer of possession thereof, the full amount of the purchase price. Each such dealer, broker, person, firm or corporation purchasing livestock for slaughter shall deliver a check to the seller or [his] the seller's duly authorized representative before the close of the next business day following the purchase of livestock and transfer of possession thereof, at the point of transfer of possession or shall wire transfer funds to the seller's account for the full amount of the purchase price; or, in the case of a purchase on a carcass or "grade and yield" basis, the purchaser shall make payment by check at the point of transfer of possession or shall wire transfer funds to the seller's account for the



full amount of the purchase price not later than the close of the first business day following determination of the purchase price. If the seller or [his]the seller's duly authorized representative is not present to receive payment at the point of transfer of possession, as herein provided, such dealer, broker, person, firm or corporation shall wire transfer funds or place a check in the United States mail for the full amount of the purchase price, properly addressed to the seller, within the time limits specified in this subsection, such action being deemed compliance with the requirement for prompt payment.

(b) Notwithstanding the provisions of subsection (a) of this section and subject to such terms and conditions as the commissioner may prescribe by regulations adopted in accordance with chapter 54, the parties to the purchase and sale of livestock may expressly agree in writing, before such purchase or sale, to effect payment in a manner other than that required in subsection (a) of this section. Any such agreement shall be disclosed in the records of any such dealer, broker, person, firm or corporation selling the livestock, and in the purchaser's records and on the accounts or other documents issued by the purchaser relating to the transaction.

(c) Each license issued to a dealer or broker pursuant to chapter 437 or to a person, firm or corporation pursuant to section 22-277, shall be shown, upon request, to any person with whom the licensee transacts or proposes to transact business. If, in the judgment of the commissioner, any provision of this section or any regulation adopted thereunder has been violated, the commissioner shall send a notice by registered or certified mail to the licensee, who shall be given a hearing, and, if a violation is proven, [his]the licensee's license shall be revoked or suspended.

Section xx

Sec. 22-279. Quarantine of animals. Penalties.

Section 22-279 is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture or [his]the commissioner's deputy or authorized agents may quarantine all animals that they have reasonable grounds to believe (1) are infected with a communicable disease, (2) do not meet import, export or disease testing requirements of the department or (3) are kept under unsanitary conditions which, in the opinion of the commissioner or his deputy or authorized agents, endanger the public health or the health of such animals. The quarantine may (A) prohibit or regulate the sale of such quarantined animals and all the products of such quarantined animals, and (B) require that such animals and the products of such animals be confined in a place designated by the commissioner or his deputy or authorized agents, for such time as the commissioner judges necessary.

(b) Any person who violates any provision of any quarantine imposed under this section shall be fined five hundred dollars for each day during which such violation continues, up to a maximum fine of twenty-five thousand dollars.



Section xx

Sec. 22-280a. Transporting and possession of vaccines and serums for dogs and cats.

Section 22-280a is repealed and following substituted (Effective from passage)

No antiserum, vaccine or other biological product for use in the control, prevention or treatment of canine distemper, canine infectious hepatitis, leptospirosis, rabies or feline distemper shall be shipped or transported into the state without the written permission of the State Veterinarian except to a licensed practicing veterinarian. No person, firm or corporation, nor the agent or employee of any corporation, shall have in [his]their possession or use any vaccine, virus, serum or preparation of a similar nature for canine distemper, canine infectious hepatitis, leptospirosis, rabies or feline distemper without the written permission of the State Veterinarian, unless [he]said person is a licensed practicing veterinarian or acquired such preparation on a prescription issued by such a veterinarian for a specific animal. Any person, firm or corporation violating the provisions of this section shall be fined not more than two hundred fifty dollars for each offense.

Section xx

Sec. 22-284. Anthrax or charbon.

Section 22-284 is repealed and following substituted (Effective from passage)

The Commissioner of Agriculture shall have plenary power to deal with all outbreaks of the contagious disease in domestic animals known as anthrax or charbon, and [he] may provide for the vaccination or immunization of cattle or horses kept on lands known or suspected to be infected with germs or spores of anthrax, or kept on lands adjacent to such infected lands, and [he] may provide for the vaccination and immunization of animals which may have been exposed to said disease, at the expense of the state. The commissioner may make and enforce such regulations, orders and quarantines as in [his]their judgment may be necessary for the control of said disease.

Section xx

Sec. 22-287. Tuberculin tests; disposition of reactors; addition to herds; surveillance tests.

Section 22-287 is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture may cause all neat cattle and all goats in the state to be tuberculin tested by a licensed accredited veterinarian at the expense of the state or by a veterinarian employed by the United States Department of Agriculture or by a veterinarian employed



by the Department of Agriculture. The owner of any such herd to be so tested shall provide assistance and proper restraint for confining the animals for and during the application of said tests. When said commissioner has determined the condition of such animals by physical examination and tuberculin test performed by said veterinarians, each animal reacting to such test shall be immediately segregated from the animals not reacting to such test by the owner thereof and each animal reacting to such test shall be appraised as provided in section 22-288 and shall be disposed of and the premises upon which such animal has been kept shall be cleaned and disinfected within fifteen days thereafter, subject to the approval of the commissioner or [his]the commissioner's deputy or any authorized agent of the commissioner. No animals shall be added to the herd until such premises have been so cleaned and disinfected and inspected and approved by the commissioner or [his]the commissioner's deputy or any authorized agent of the commissioner. Any animal reacting to such test which has been disposed of as provided by this section shall be paid for by the Comptroller, provided funds shall be available for such purposes and provided the animal reacting to such test and disposed of shall have been approved by said commissioner as a proper addition to the herd.

(b) Surveillance tests may be performed by a technician trained by and under the supervision of the State Veterinarian and employed by the Department of Agriculture, provided no condemnation shall be made on the basis of such surveillance tests. The owner of any herd to be so tested shall provide assistance and proper restraint for confining the animals for and during the application of such tests.

Section xx

Sec. 22-288a. Condemnation of herd. Compensation. Appeals.

Section 22-288a is repealed and following substituted (Effective from passage)

If the Commissioner of Agriculture finds the presence of tuberculosis or brucellosis recurring in one herd within any two-year period, or if [he]the commissioner finds any herd of cattle substantially infected with tuberculosis or brucellosis, [he]the commissioner may order the condemnation of such herd and compensation therefor shall be paid in accordance with section 22-288. Said compensation shall not be paid, nor shall the herd be restocked, until the premises from which such herd was taken have been cleaned and disinfected, and such premises have been inspected and approved by the commissioner or [his]the commissioner's deputy or any authorized agent of the commissioner. Any person aggrieved by an order of the commissioner to so condemn a herd may, within seven days after such order, appeal therefrom in accordance with the provisions of section 4-183.

Section xx

Sec. 22-296. Quarantine of infected herd. Permit for removal of animals.



Section 22-296 is repealed and following substituted (Effective from passage)

When infection of tuberculosis is found in any herd of cattle or goats, the remaining animals in such herd shall be quarantined until such herd has passed three successive negative tests, at least sixty days to elapse between each two tests. No animals shall be removed from such herd while under quarantine, except under a written permit issued to the owner of the herd by the Commissioner of Agriculture or [his]the commissioner's agents to move directly from the quarantined premises to immediate slaughter. Such permit shall accompany such animals from the quarantined premises to the point where slaughter is to be effected. The owner shall deliver such permit to any person purchasing such animals, and such person shall exercise all reasonable diligence in determining that such permit is received [by him] and is valid, and that such permit shall accompany such animals to slaughter.

Section xx

Sec. 22-298. Test for brucellosis. Branding. Quarantine.

Section 22-298 is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture may require and provide for the drawing and collecting of blood samples for the control of brucellosis from goats over three months of age and herds of bovine animals, including male bovine animals, six months of age or over, but not including steers, and may at [his]their discretion decide not to test heifers which have been officially calfhooed vaccinated, until they have calved or are eighteen months of age. All blood samples shall be submitted to a laboratory approved by the Commissioner of Agriculture and all milk samples shall be submitted to a laboratory approved by said commissioner for examination and the results of such tests shall be reported by the laboratories to the commissioner in a manner prescribed by [him]them. Upon receipt of the laboratory reports on any such tests, the commissioner shall inform the owner or agent and the veterinarian of the result thereof. When the commissioner has determined the condition of such herd by such tests, all animals reacting positively to any test for brucellosis shall be identified by branding with a hot iron on the left jaw and a metal number reactor tag in the left ear as approved by the commissioner. All such reactors shall be appraised, branded, tagged and slaughtered within fifteen days and the premises cleaned, disinfected and approved within thirty days after slaughter in order to qualify for indemnity under section 22-307. If the reaction of any animal to a test for brucellosis is suspicious, it may be identified and quarantined and shall not be disposed of without first obtaining written permission from the commissioner.

(b) The state shall not be liable for any damage incurred or alleged to have been incurred by any such test.



(c) No swine or goats used for breeding purposes shall be kept on the same premises as cattle unless such swine or goats are certified free from brucellosis. Any positive reactors shall be immediately slaughtered and the premises cleaned and disinfected.

(d) The drawing of blood samples for brucellosis tests shall be restricted to the State Veterinarian, veterinarians employed by the Department of Agriculture, veterinarians employed by the federal government and veterinarians licensed to practice in this state and assigned by the commissioner for that purpose.

Section xx

Sec. 22-299a. Brucellosis class free areas. Quarantine.

Section 22-299a is repealed and following substituted (Effective from passage)

The Commissioner of Agriculture may make regulations to establish and maintain brucellosis class free areas in conformity with the uniform methods and rules established by the Animal and Plant Health Inspection Service, Veterinary Services, of the United States Department of Agriculture. Such regulations shall establish standards and procedures for the quarantine, testing, vaccination and identification of cattle, control of shipment of cattle into such areas, branding and disposal of reactors and disinfection of premises, for the control and eradication of brucellosis. The Brucella ring test shall be an official part of the state-federal cooperative brucellosis program, and the commissioner may exercise discretion in establishing intervals between herd tests with the Brucella ring test, based on the best interests of the eradication program. Brucella ring test antigens used in conducting such tests and test procedures employed shall be only those jointly approved by the cooperating agencies, the Department of Agriculture and the Animal and Plant Health Inspection Service, Veterinary Services, of the United States Department of Agriculture. Certified status of herds may be retained by annual retesting, request for which shall be made in writing to the commissioner, the expense of such tests to be borne by the state. Infected herds shall be quarantined. In such case the entire herd shall be confined to the premises and movement of all cattle shall be prohibited until the herd has passed at least three negative herd retests as required by the uniform methods and rules established by the Animal and Plant Health Inspection Service, Veterinary Services, of the United States Department of Agriculture following removal of reactors; except that cattle consigned for immediate slaughter under permit may be moved from the quarantined premises to the point where slaughter is to be effected if accompanied by such permit. Any person purchasing such animals shall exercise all reasonable diligence in determining that a valid permit is received [by him] to move such animals from the premises directly to a point where immediate slaughter will be conducted and that such permit shall accompany such animals to slaughter.

Section xx



Sec. 22-303. Brucellosis vaccination.

Section 22-303 is repealed and following substituted (Effective from passage)

(a) Each owner of bovine animals may have all [of his] female calves vaccinated for the control of brucellosis at ages the commissioner shall establish by regulation pursuant to the uniform methods and rules for brucellosis eradication of the United States Department of Agriculture Animal and Plant Health Inspection Service. Calves may be vaccinated at the owner's expense by an approved licensed veterinarian, an approved federal or state full-time employed veterinarian assigned directly and authorized by the Commissioner of Agriculture or by a livestock inspector employed and authorized by the commissioner.

(b) The state shall not be liable for any damages incurred or alleged to have been incurred by the use of any vaccine.

(c) No person, firm or corporation, and no agent or employee of any corporation, shall have in [his]their possession any brucellosis vaccine or any product containing any Brucella organisms unless written permission has been obtained from the commissioner.

(d) No female bovine animal over the maximum vaccination age, as established by the commissioner in accordance with the uniform methods and rules for brucellosis eradication of the United States Department of Agriculture Animal and Plant Health Inspection Service, shall be vaccinated with Brucella Abortus vaccine. Brucellosis vaccine or any product containing any Brucella organisms shall not be shipped into the state except upon written permission of the commissioner.

Section xx

Sec. 22-308. Permit for importation of cattle and goats.

Section 22-308 is repealed and following substituted (Effective from passage)

All neat cattle and goats brought into this state shall be accompanied by a permit obtained from the Commissioner of Agriculture. Such permit shall accompany all waybills or, if the animals are driven over the highways, shall be in the possession of the person in charge of the same. The commissioner may refuse to grant a permit to any person, or any officer or agent of any corporation, who violates any statute or regulation governing the importation of livestock or poultry. Neat cattle and goats brought into this state for the purpose of immediate slaughter upon premises where federal inspection is maintained need not be accompanied by such permit, provided all such cattle or goats transported into this state shall be accompanied by a bill of sale or certificate of assignment, made out by the consignor and showing the name of the consignee and the destination. The owner of each establishment where federal inspection is maintained shall report weekly to the commissioner, upon forms furnished by [him]the commissioner, the number of head so imported. Such owner shall also



report to said commissioner the ear tag or identification number and the name of the previous owner of all animals purchased within the state and delivered to such establishments.

Section xx

Sec. 22-309. Refusal of permit.

Section 22-309 is repealed and following substituted (Effective from passage)

The commissioner may refuse to grant permits to import animals from any and all sections or areas which in [his]their opinion are infected with a contagious disease, and [he]the commissioner may, at any time, revoke any permit previously issued and then outstanding, for the importation into this state of animals which in [his]their opinion are infected, and all damages caused or claimed to have been caused by such revocation shall be borne by the owner. All neat cattle and goats entering the state shall be identified by ear tags, registration name or number, tattoo or other markings approved by the commissioner.

Section xx

Sec. 22-313. Cattle for slaughter.

Section 22-313 is repealed and following substituted (Effective from passage)

(a) All cattle brought into this state by permit for immediate slaughter shall be identified and inspected in accordance with rules and regulations of the United States Department of Agriculture at the time of slaughter at the expense of the owner by a veterinarian designated by the Commissioner of Consumer Protection, and, if passed for food, shall be stamped with the department meat inspection stamp bearing the inscription "Insp'd. and P's'd. Com'r. C. P. Conn. No." All carcasses found unfit for food shall be destroyed without compensation to the owner.

(b) If not immediately slaughtered, such cattle shall be kept in quarantine, segregated from other cattle and without transfer of ownership, in possession of the person or persons named in the permit to bring such cattle into the state, unless a written transfer of quarantine has been signed by the Commissioner of Agriculture or [his]the commissioner's agent.

Section xx

Sec. 22-318a. Disposal sale of herd.

Section 22-318a is repealed and following substituted (Effective from passage)



Any herd owner, auctioneer, cattle dealer or sales manager, who contemplates a complete dispersal sale of a herd or a sale in which more than ten head is to be sold in a group shall furnish a list of animals to be sold to the Commissioner of Agriculture not later than fourteen days prior to the sale, unless the commissioner, in [his]their sole discretion, shall find that this requirement, under existing conditions, would impose undue hardship on the seller, in which case [he]the commissioner may waive it. No owner, auctioneer, cattle dealer or sales manager shall conduct a dispersal sale without the approval of the commissioner. The commissioner may, in [his]their discretion, require such herd to be tuberculin or brucellosis tested, or both, before such sale. If such herd has been tested or is tested in accordance with the provisions of this section and is found negative to both tests, or a permit has been issued by the commissioner in accordance with the provisions of section 22-303, permission shall be granted for said sale. These tests shall be applied as private tests if not a routine test assignment. Any person who violates any provision of this section shall be fined not more than one hundred dollars.

Section xx

Sec. 22-320f. Regulations.

Section 22-320f is repealed and following substituted (Effective from passage)

The commissioner may promulgate such regulations as [he deems]deemed necessary to carry out the provisions of sections 22-320a to 22-320h, inclusive, and prevent the spread of disease among swine.

Section xx

Sec. 22-320g. Feeding of household garbage to swine excepted.

Section 22-320g is repealed and following substituted (Effective from passage)

Sections 22-320a to 22-320h, inclusive, shall not apply to a person who feeds exclusively [his]their own household garbage to swine which are raised for [his]their own use.

Section xx

Sec. 22-321. Penalty.

Section 22-321 is repealed and following substituted (Effective from passage)

Any person, or any officer or agent of any corporation, who violates any provision of this chapter for which no other penalty is provided or who obstructs or attempts to obstruct the Commissioner of



Agriculture or [his]their deputy or any of [his] their assistants in the performance of [his]their duty, or who violates any regulation established by said commissioner, shall be guilty of a class D misdemeanor.

Section xx

Sec. 22-323a. Intensive poultry farming. Regulations. Inspections for noncompliance.

Section 22-323a is repealed and following substituted (Effective from passage)

(a) As used in this section and section 22-326f, intensive poultry farming means the raising or maintaining of more than twenty thousand fowl, fed primarily by methods other than grazing, and confined within one or more pens or buildings. The Commissioner of Agriculture shall adopt regulations in accordance with the provisions of chapter 54 concerning acceptable management practices of intensive poultry farming including transportation of poultry waste on public roads.

(b) The Commissioner of Agriculture may inspect or cause to be inspected by [his] their agents any intensive poultry operation for compliance with the regulations adopted under subsection (a) of this section. [He] The commissioner may issue orders as [he deems] deemed necessary for the correction of such noncompliance including the quarantine of premises and fowl.

Section xx

Sec. 22-323c. Penalty.

Section 22-323c is repealed and following substituted (Effective from passage)

Any person who refuses, hinders or otherwise interferes with access by the commissioner or [his] their agent to any pen or building used in an intensive poultry operation shall be fined not less than two hundred fifty dollars nor more than one thousand dollars or imprisoned not more than six months or both for each offense. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

Section xx

Sec. 22-324. Prevention of avian disease. Orders. Regulations re avian disease and sanitary handling of eggs.

Section 22-324 is repealed and following substituted (Effective from passage)



(a) As used in sections 22-324, 22-324a and 22-325, “poultry” means all domesticated fowl, including chickens, turkeys, water fowl and pet, zoological or psittacine birds.

(b) The commissioner shall forthwith cause an investigation of any poultry afflicted with or exposed to any infectious, contagious or transmissible avian disease of which [he has] they have knowledge, and shall apply any means [he determines are] deemed necessary, including quarantine or destruction, to exterminate and prevent the spread thereof. The destruction of any poultry shall be conducted by the commissioner or [his] the commissioner’s designee or by the owner of such poultry under the supervision of the commissioner. The premises occupied by any poultry destroyed shall be cleaned and disinfected by the owner under the supervision of the commissioner. The commissioner or [his] the commissioner’s deputy, assistant or agent may enter any premises where poultry is kept, for the purpose of carrying out the provisions of this chapter.

(c) In addition to the provisions of subsection (a) of this section and section 22-325, if the commissioner has reasonable cause to believe that any poultry within the state is threatened by any infectious, contagious or transmissible avian disease, [he] they may issue such order as [he deems] deemed necessary to prevent the introduction or spread of such disease in the state. Such order may include, but not be limited to, an embargo on the importation of poultry or poultry products into the state from states or areas where any infectious, contagious or transmissible avian disease is present or where the commissioner has reasonable cause to believe such disease is present.

(d) When a bird is suspected of having psittacosis, the commissioner shall have the right to: (1) Confiscate as many suspected birds as necessary to provide a sufficient sample for laboratory testing; (2) quarantine all such birds on the premises occupied by the suspected bird until any suspected, infected or contagious birds are considered safe, as determined by the State Veterinarian, or are destroyed.

(e) The Commissioner of Agriculture shall adopt regulations in accordance with the provisions of chapter 54 to implement this section including, but not limited to, regulations for the examination, testing, quarantine, disinfection, preventive treatment, destruction and disposition of poultry and poultry products affected with or exposed to infectious, contagious and transmissible avian disease and for the establishment and enforcement of minimum standards of sanitation to be observed in the storing, grading, candling and packing of shell eggs at the farm.

(f) Notwithstanding any regulation to the contrary, the commissioner shall not be responsible for testing and certifying poultry prior to any show or exhibition.

Section xx

Sec. 22-325. Importation regulated.

Section 22-325 is repealed and following substituted (Effective from passage)



Each person, firm or corporation transporting into this state any live poultry shall cause the same to be accompanied by an official health certificate from the state of exportation and a permit issued by the Commissioner of Agriculture in such form as [he prescribes] prescribed, provided each such permit shall state the number of live poultry included in each shipment or consignment. The owner, consignee or person having the custody of any such poultry coming into this state shall, within forty-eight hours after the arrival of such poultry at its destination, give notice in writing to the commissioner or [his] the commissioner's authorized agent of the arrival of such poultry, which notice shall include the date of such arrival and the number of poultry therein. Each shipment or consignment of live poultry brought or knowingly allowed to come into the state shall be held in quarantine at its destination unless otherwise ordered by the commissioner, until [he causes] such examinations and tests to be made as [he determines] determined and until [he] the commissioner causes such poultry to be released or disposed of as herein provided. The expense of quarantine and of examinations and tests shall be paid by the owner, consignee or person having the custody of such poultry before the same is released. The commissioner may cause any of such poultry, found upon examination or test to be diseased, to be killed, and no such poultry so killed shall be sold for food except under the direction of the commissioner. No such poultry imported into this state shall be sold or offered for sale or be permitted to mingle with other poultry until the commissioner has issued a certificate authorizing the release of such poultry. All baby chicks and chicken hatching eggs transported into the state shall be accompanied by a health certificate which certificate shall certify that such chicks or eggs are from a pullorum free flock. All psittacine birds, except budgerigars, imported into Connecticut to be offered for sale in Connecticut shall remain in quarantine pursuant to this section for a period of not less than seven days.

Section xx

Sec. 22-326d. Orders re environmental or health hazards at intensive poultry operations.

Subsequent hearing.

Section 22-326d is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture, whenever [he finds] found after investigation, that any person who operated or is operating an intensive poultry operation regulated under the provisions of sections 22-323a to 22-323c, inclusive, is causing, engaging in or maintaining, or is about to cause, engage in or maintain, any condition or activity which in his judgment may result in the introduction or spread of an environmental or health hazard, may take any action [he deems] deemed necessary to prevent such environmental or health hazard, including issuing an order, without prior hearing, to such person to discontinue, abate or alleviate such condition or activity. Upon receipt of such order such person shall immediately discontinue, abate or alleviate or shall refrain from causing, engaging in or maintaining such condition or activity. The commissioner shall, within ten days of such order, hold a hearing to provide the person an opportunity to be heard and show that such condition does not exist. Such order shall remain in effect until ten days after the hearing within which time a new decision based on the hearing shall be made.



(b) The commissioner, within available funds, may incur expenditures or contract with any person to discontinue, abate or alleviate the condition or activity.

Section xx

Sec. 22-326f. Permit for intensive poultry farming operation. Surety bond. Suspension or revocation.

Section 22-326f is repealed and following substituted (Effective from passage)

(a) On and after July 1, 1989, no person shall commence an intensive poultry farming operation without a permit from the Commissioner of Agriculture. Any person seeking such a permit shall apply on forms provided by the commissioner and pay an application fee of twenty dollars. Upon receipt of a completed application the commissioner shall cause an inspection to be made of the premises where the applicant desires to conduct an intensive poultry farming operation. If the commissioner finds that such premises meet the requirements of sections 22-323a to 22-324a, inclusive, and applicable regulations and may reasonably be expected to continue to meet such requirements, [he] the commissioner shall issue the permit. If the commissioner finds that the premises do not meet such requirements, or may not reasonably be expected to continue to meet such requirements, the application shall be denied. When any permit has been denied the applicant may, within ten days of the notification of the denial, request in writing a hearing and appeal before the commissioner or his designee. Any person aggrieved by the decision of the commissioner after a hearing may appeal to the superior court for the judicial district in which he seeks to conduct such farming operation. No permit granted under this section shall be transferable by the permittee, and each permit shall apply to only one premise, which shall be specified in the permit. The commissioner may issue only one permit for a premise.

(b) The commissioner may require a surety bond in an amount not exceeding ten thousand dollars as a condition of the permit described in subsection (a) of this section. The bond shall indemnify the commissioner for expenses [he may incur] incurred in carrying out the provisions of section 22-326d.

(c) The commissioner may suspend or revoke a permit issued pursuant to subsection (a) of this section for failure to operate in compliance with the provisions of sections 22-323a to 22-324a, inclusive, and applicable regulations. Whenever the commissioner is satisfied of the existence of one or more reasons for suspending or revoking a permit, [he] they shall give notice to the permittee by registered mail of a hearing to be held in accordance with the provisions of chapter 54 at the time stated in the notice. The commissioner may compel the attendance of witnesses and the person complained against shall have the opportunity to produce witnesses or other evidence in [his] their behalf. Any person aggrieved by the decision of the commissioner after a hearing may appeal to the superior court for the judicial district in which he conducts such farming operation.



Section xx

Sec. 22-330. Authority of officers issuing summons.

Section 22-330 is repealed and following substituted (Effective from passage)

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] they are assigned and any municipal animal control officer in the municipality for which [he has] they have been appointed may arrest any person and may issue a written complaint and summons in furtherance thereof for any violation of any law relating to dogs or to any domestic animal in the same manner police officers or constables may exercise in their respective jurisdictions.

Section xx

Section 22-344f

Section 22-344f is repealed and following substituted (Effective July 1, 2022)

Sec. 22-344f. Veterinarian examination of cat or dog imported into state by animal importer. Records of veterinary services rendered to imported cat or dog. Fines.

(a) Any animal importer and any [person who operates or maintains an] animal shelter, as defined in section 22-344, shall, not later than forty-eight hours after importing any dog or cat into this state and prior to the sale, adoption or transfer of such dog or cat to any person, provide for the examination of such dog or cat by a veterinarian licensed under chapter 384. Thereafter, such animal importer or [person who operates or maintains an]animal shelter shall provide for the examination of such dog or cat by a veterinarian licensed under chapter 384 every ninety days until such dog or cat is sold, adopted or transferred[.], [provided n] No such dog or cat shall be sold, adopted or transferred to another person by an animal importer or [person who operates or maintains an] animal shelter unless [(1)] such dog or cat was examined by a veterinarian licensed under chapter 384 not more than fifteen days prior to the sale, adoption or transfer of such dog or cat[.], [and (2) such] Each examination required under this section by such veterinarian shall be provided to [provides]such animal importer or [person who operates or maintains] an animal shelter [with a written] by certificate, either electronic or written, on a form prescribed by the State Veterinarian, stating that such dog or cat is free of any symptoms of any illness, infectious, contagious or communicable disease. Such certificate shall list the name, address and contact information of such animal importer or [person who operates or maintains an] animal shelter. Any animal importer or [person who operates or maintains an] animal shelter who violates the provisions of this subsection shall be fined for a first violation, two hundred fifty dollars for each animal that is the subject of such violation, and for any subsequent violation, five hundred dollars for each animal that is the subject of such violation.

(b) Each animal importer and each [person who operates or maintains an] animal shelter shall maintain a record of the veterinary services, including all health examinations and certificates issued



under this section, rendered to each dog or cat imported into this state by such animal importer or [person] animal shelter. Such record shall be maintained by such animal importer or [person] animal shelter for a period of three years. Any animal importer or such [person] animal shelter who violates the provisions of this subsection shall be fined two hundred fifty dollars for a first violation and five hundred dollars for any subsequent violation.

Section xx

Sec. 22-415b. Required testing for equine infectious anemia for equines exposed to the disease.

Section 22-415b is repealed and following substituted (Effective from passage)

The commissioner may require an equine to be tested for equine infectious anemia at the expense of the owner if [he reasonably determines] it is reasonably determined that such equine has been exposed to equine infectious anemia and poses a threat to other equines.

Section xx

Sec. 22-415i. Inspection.

Section 22-415i is repealed and following substituted (Effective from passage)

(a) The Commissioner of Agriculture or [his] the commissioner's designated agents may inspect the premises where an equine is in isolation to confirm compliance with the provisions of section 22-415g and any relevant regulations adopted under section 22-415j.

(b) The Commissioner of Agriculture or [his] the commissioner's designated agents shall have access at reasonable times to any paddock, stable, or building used for equine purposes if the commissioner has reason to believe there is a violation of the provisions of sections 22-415a to 22-415j, inclusive, or the regulations adopted under section 22-415j.

Section xx

Sec. 22-456. Connecticut Food Policy Council. Membership; duties.

Section 22-456 is repealed and following substituted (Effective from passage)

(a) There is established the Connecticut Food Policy Council which shall be within the Department of Agriculture.

(b) The council shall consist of the following members: (1) One appointed by the majority leader of the Senate who shall be involved in agriculture or in an agriculture organization; (2) one appointed by the president pro tempore of the Senate who shall be involved in an antihunger organization; (3) one appointed by the minority leader of the Senate, who shall represent the Cooperative Extension Service; (4) one appointed by the minority leader of the House of Representatives who shall be a food retailer; (5) one appointed by the speaker of the House of Representatives who shall be involved in



agriculture or in an agriculture organization; (6) one appointed by the majority leader of the House of Representatives who shall be a produce wholesaler; (7) the Commissioner of Agriculture, or [his] the commissioner's designee; (8) the Commissioner of Administrative Services, or [his] the commissioner's designee; (9) the Commissioner of Education, or [his] the commissioner's designee; (10) the Commissioner of Transportation, or [his] the commissioner's designee; (11) the Commissioner of Public Health, or [his] the commissioner's designee; (12) the Commissioner of Social Services, or [his] the commissioner's designee; (13) the head of each state department, as defined in section 4-5, who is not one of the commissioners designated in subdivisions (7) to (12), inclusive, of this subsection who shall be members ex officio without the right to vote; and (14) the chairman of the joint standing committee of the General Assembly having cognizance of matters relating to the environment who shall be a member ex officio without the right to vote. The council shall elect a chairperson and a vice-chairperson from among its members. Any person absent from (A) three consecutive meetings of the commission or (B) fifty per cent of such meetings during any calendar year shall be deemed to have resigned from the council, effective immediately. Vacancies on the council shall be filled by the [appointing authority] commissioner of agriculture for the unexpired portion of the term vacated. Members of the council serve without compensation but shall, within the limits of available funds, be reimbursed for expenses necessarily incurred in the performance of their duties. The council shall meet as often as deemed necessary by the chairperson or a majority of the council.

(c) The council shall: (1) Develop, coordinate and implement a food system policy linking local economic development, environmental protection and preservation with farming and urban issues; (2) review and comment on any proposed state legislation and regulations that would affect the food policy system of the state; (3) advise and provide information to the Governor on the state's food policy; and (4) prepare and submit to the joint standing committee of the General Assembly having cognizance of matters relating to the environment an annual report concerning its activities with any appropriate recommendations concerning food policy.

(d) The council may use such funds as may be available from federal, state or other sources and may enter into contracts to carry out the purposes of this section.

(e) The council may, subject to the provisions of chapter 67, employ any necessary staff within available appropriations.

Section xx

Sec. 22-457. Council authorized to use available funds and enter into contracts.

Section 22-457 is repealed.

