

General Assembly

Raised Bill No. 7297

January Session, 2019

LCO No. 5117



Referred to Committee on ENVIRONMENT

Introduced by: (ENV)

AN ACT CONCERNING QUARANTINE AND DISPOSAL ORDERS OF ANIMAL CONTROL OFFICERS.

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

- Section 1. Section 22-358 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):
- 3 (a) Any owner, keeper or the agent of any owner of any domestic
- 4 animal, companion animal or poultry, or the Chief Animal Control
- 5 Officer, any animal control officer, any municipal animal control
- 6 officer, any regional animal control officer or any police officer or state
- 7 policeman, may kill any dog [which he observes] or companion animal
- 8 while it is in the act of biting, attacking, pursuing or worrying any such
- 9 domestic animal, companion animal or poultry. Any such owner or
- 10 keeper who kills such biting or attacking dog or companion animal
- 11 <u>shall make complaint concerning the circumstances of the attack to any</u>
- 12 <u>state, municipal or regional animal control officer or any police officer</u>
- of the town where such attack occurred. Any such officer to whom

such complaint is made shall investigate such complaint.

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(b) Any person who is [bitten, or who shows visible evidence of attack] protecting themselves or another person from physical harm during an attack or who is 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. [or] the municipal animal control officer or regional animal control officer or a police officer 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 state, municipal or regional animal control officer 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) [If such officer finds that the complainant has been bitten or attacked by such dog, cat or other animal when the complainant was not upon the premises of the owner or keeper of such dog, cat or other animal the officer shall quarantine such dog, cat or other animal in a public pound or order the owner or keeper to quarantine it in a veterinary hospital, kennel or other building or enclosure approved by the commissioner for such purpose. When any dog, cat or other animal has bitten a person on the premises of the owner or keeper of such dog, cat or other animal, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may quarantine such dog, cat or other animal on the premises of the owner or keeper of such dog, cat or other animal. The commissioner, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or 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. Notice of any such order shall be given to the person bitten by such dog, cat or other animal within twenty-

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four hours. The owner of such animal shall pay all fees as set forth in section 22-333. On the fourteenth day of such quarantine the dog, cat or other animal shall be examined by the commissioner or someone designated by the commissioner to determine whether such quarantine shall be continued or removed. Whenever any quarantine is ordered under the provisions of this section, notice thereof shall be given to the commissioner and to the person bitten or attacked by such dog, cat or other animal within twenty-four hours. 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 quarantine or restraining order made pursuant to this subsection, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer 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.] (1) Any person who is bitten or attacked by a dog, cat or other animal shall make a

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82 complaint concerning circumstances of the bite or attack to the Chief 83 Animal Control Officer, any animal control officer or the municipal or regional animal control officer of the town in which the bite or attack 84 occurred. In the interest of public safety, if after investigation, any state 85 86 animal control officer or any municipal or regional animal control 87 officer in the municipality or region in which a dog bite or attack occurs determines that a person has been bitten or attacked by a dog, 88 89 such officer may make any order concerning the restraint or disposal 90 of such biting or attacking dog as such officer deems necessary to 91 protect public health and safety. In determining the type of order 92 issued or conditions of restraint imposed, such animal control officer 93 shall consider, as applicable, the ability of the owner or keeper to 94 control the dog, the severity of the injury inflicted by the biting or attacking dog, cat or other animal, the viciousness of the bite or attack, 95 past bite or attack history of the dog, cat or other animal, whether the 96 97 bite or attack took place off of the property of the owner or keeper of 98 the biting or attacking dog, cat or other animal, whether the biting or attacking dog, cat or other animal was improperly provoked, and 99 whether the biting or attacking dog, cat or other animal was in the act 100 101 of protecting its owner or keeper from physical harm.

- 102 (2) The following shall apply to any order issued pursuant to this section:
- (A) In the interest of public safety, 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;
- (B) In the interest of public safety, 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;

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113 (C) A copy of any order issued pursuant to this section shall be 114 given to the person bitten or attacked and to the owner or keeper of 115 any animal that has been bitten or attacked not later than twenty-four 116 hours after the issuance of such order;

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- (D) Not later than thirty days after issuance of such an order, the authority that issued such order shall schedule and hold a prehearing meeting with the owner or keeper of the dog that is the subject of the order to determine if the matter is in dispute. At such meeting the owner or keeper of the dog subject to the order, such owner or keeper's legal counsel, the animal control officer issuing the order and the animal control officer's appointing authority or designee of such appointing authority may stipulate to an alternate order to resolve the matter. After the prehearing meeting is held and concluded any owner or keeper of a dog, or the victim of a bite or attack who is aggrieved by an order issued by any state, municipal or regional animal control officer pursuant to this section may request a hearing before the commissioner. Such request for a hearing shall be in writing and made not later than fourteen days after the date the prehearing meeting is held and concluded. In any hearing before the commissioner the authority issuing the order shall bear the burden of proof by a preponderance of the evidence in the record;
- (E) Any order issued pursuant to this section shall include the date, time and place where the prehearing meeting shall occur and a statement informing the owner or keeper of the dog, the victim who was bitten or attacked and the owner or keeper of any animal that was bitten or attacked, as applicable, of his or her right to appeal following the prehearing meeting;
- 140 <u>(F) The results of the prehearing meeting, including the date of the</u> 141 <u>prehearing meeting, and whether and how the matter was resolved,</u> 142 <u>shall be signed by all parties and provided to the commissioner not</u> 143 <u>later than ten days after the date of the prehearing meeting;</u>

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- 144 (G) Any owner or keeper of a dog, who without good cause, as
- 145 <u>determined by the commissioner, fails to attend the prehearing</u>
- meeting or a hearing held by the Department of Agriculture shall
- 147 <u>forfeit such person's right to appeal and the order shall become final;</u>
- 148 (H) Any such hearing held pursuant to this section shall be
- 149 conducted pursuant to chapter 54 and any applicable regulation of the
- Department of Agriculture. After such hearing, the commissioner may
- 151 affirm, modify or revoke such order as the commissioner deems
- 152 proper;
- 153 (I) The owner or keeper of any dog, cat or other animal that is
- 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 that is subject to an order issued pursuant to this section fails to
- 157 <u>comply with the order, any state, municipal or regional animal control</u>
- officer may seize the dog, cat or other animal prior to, during the
- 159 pendency of the prehearing meeting or appeal, and after the
- 160 completion of the appeal of such order in order to ensure such
- 161 compliance and the owner shall be responsible for any expenses
- 162 <u>resulting from such seizure;</u>
- (J) After an order is a final order and all appeals of such order are
- 164 exhausted, such order shall be effective state wide and any state,
- 165 <u>municipal or regional animal control officer may enforce such order;</u>
- 166 <u>and</u>
- 167 (K) 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.
- (d) Any dog, while [actually] biting, attacking, worrying or
- 171 pursuing deer, may be killed by the Chief Animal Control Officer or an
- 172 animal control officer or by a conservation officer or special
- 173 conservation officer appointed by the Commissioner of Energy and
- 174 Environmental Protection, or by any police officer or state policeman.

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- The owner or keeper of any dog found <u>biting</u>, 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) [The owner of any dog, cat or other animal which has bitten or attacked a person and has been quarantined pursuant to subsection (c) of this section may authorize the humane euthanization of such dog, cat or other animal by a licensed veterinarian at any time before the end of the fourteenth day of such quarantine. Any such dog, cat or other animal so euthanized before the end of the fourteenth day of quarantine shall be examined for rabies by the Connecticut Department of Public Health virology laboratory or any other laboratory authorized by the Department of Public Health to perform rabies examinations. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered by him or his designated agent within forty-eight hours to an appropriate laboratory designated by said department for rabies examination.] Repealed.
 - (g) Repealed by P.A. 05-175, S. 24.

(h) A person who sustains damage <u>or physical injury</u> by a <u>biting or attacking</u> dog, <u>cat or other animal</u> to such person's poultry, ratite, domestic rabbit, [companion] <u>domestic</u> animal or livestock as defined in section 22-278 shall make complaint concerning circumstances of the <u>bite or</u> attack [by such dog] on any such animal or livestock to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town in which [such dog is owned or kept] <u>the bite or attack occurred</u>. 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

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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 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 safety or the safety of other animals, if after investigation such animal control officer finds the bitten or attacked animal was under the control of the owner or keeper or the owner's competent agent or was on the property of the owner or keeper, such officer may issue any order requiring the restraint or disposal of such biting or attacking dog, cat or other animal as such officer deems 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 ability of the owner or keeper to control the biting or attacking dog, the severity of injury inflicted by the biting or attacking

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dog, cat or other animal, the viciousness of the bite or attack, past bite or attack history of the dog, cat or other animal, whether the biting or attacking dog, cat or other animal was improperly provoked, and 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 political subdivision of this state 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. Any guide dog or other animal owned by or in the custody and control of a blind person or a person with a mobility impairment shall be exempt from the provisions of this section when such guide dog or other animal is under the direct supervision, care and control of such person.
- Sec. 2. Section 22-359 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):
 - (a) The commissioner <u>or the commissioner's designee</u> may make such orders for the adequate confinement, control, <u>humane euthanizing</u>, testing for rabies or destruction of any dog, cat or other animal as [he] <u>the commissioner</u> deems necessary to prevent the spread of rabies and to protect the public. [therefrom provided, notwithstanding the provisions of section 22-358, a] <u>A</u> local director of health may order the [destruction] <u>humane euthanasia</u> 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. The commissioner, the Chief Animal Control Officer, any animal control officer or any municipal animal control officer may quarantine any

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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 to the commissioner by a local director of health or board of health or any veterinarian within twenty-four hours of receipt of such information.]

 (b) Any state, municipal or regional animal control officer may quarantine or order the confinement of any dog, cat or other animal in a public pound, veterinary hospital, kennel or other building or enclosure adequate for the confinement of such animal and approved by the State Veterinarian for such purpose, if in the determination of such animal control officer, such dog, cat or other 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 being infected with rabies or any wild animal, as defined in subsection (g) of this section. The length of such quarantine or confinement period shall be determined by the State Veterinarian who shall take into account the age, general health, rabies vaccination status of the animal and current national recommendations for the prevention and control of rabies.

(c) 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 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 the dog, cat or ferret shall be

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305 examined by the State Veterinarian or a person designated by the State 306 Veterinarian to determine whether such quarantine shall be continued or removed. The quarantine of a biting or attacking dog, cat or ferret 307 shall conform to one of the following: (1) When the biting or attacking 308 309 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 310 a veterinary hospital or in a commercial kennel approved by the State 311 312 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 313 314 for the confinement of such animal, as determined by the authority 315 that issued such order; or (2) when the biting or attacking dog, cat or 316 ferret does not have a current rabies vaccination, the biting or attacking 317 dog, cat or ferret shall be quarantined in a public pound or in a 318 veterinary hospital or in a commercial kennel approved by the State 319 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 320 321 biting or attacking dog, cat or ferret due to medical necessity 322 determined by a licensed veterinarian when such premises is adequate 323 for the confinement of such animal and acceptable to the municipality 324 or agency issuing the quarantine order and provided such animal is vaccinated for rabies by a licensed veterinarian on the tenth day of 325 326 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 and current national recommendations for the prevention and control of rabies.

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[(b)] (e) Any dog, cat or other animal held in quarantine which is clinically diagnosed as rabid by [two] a licensed and practicing [veterinarians, at least one of whom shall be engaged in private practice,] veterinarian or the State Veterinarian shall be humanely

euthanized immediately without prior notice to the owner or keeper of

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338 same. No person who [kills] humanely euthanizes any animal in 339 accordance with this subsection shall be held criminally or civilly liable 340 therefor. The owner or keeper of any biting or attacking animal that is quarantined or confined pursuant to this section may authorize the 341 342 humane euthanasia of such animal by a licensed veterinarian at any 343 time before the end of the quarantine or confinement period for the purpose of testing such animal for rabies. Any animal so euthanized 344 345 shall be examined for rabies by the Department of Public Health 346 virology laboratory or any laboratory authorized by the Department of 347 Public Health. The veterinarian performing the euthanasia shall be 348 responsible for ensuring that the head of the euthanized animal is 349 delivered to the appropriate laboratory for rabies examination not later 350 than forty-eight hours after being euthanized. The costs of quarantine, veterinary examination, rabies vaccination, euthanasia and rabies 351 352 testing shall be the responsibility of the owner or keeper of any animal guarantined or confined pursuant to this section. 353

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[(c)] (f) Any animal, other than a dog, [which] that is quarantined pursuant to this section [which] and that is not claimed by its owner or keeper [within the period of] not later than five days following the end 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 officer that the animal will be given a good home and proper care. The municipal animal control officer may retain possession of such animal for such additional period of time as he [may deem] or she deems advisable in order to place such animal. Any animal, other than a dog, [which] that is quarantined pursuant to this section [which] and that is not claimed by its owner or keeper [within the period of not later than five days after the end of such quarantine and [which] that is not sold or given away by the municipal animal control officer [within five days of the expiration of such quarantine,] may be disposed of at the direction of the State Veterinarian. No person who disposes of any animal in accordance with this subsection

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371 shall be held criminally or civilly liable therefor.

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- [(d)] [The commissioner, any] (g) Any state, municipal or regional animal control officer 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 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)] (h) 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)] (i) The commissioner [shall] may adopt regulations, in accordance with chapter 54, to implement the provisions of [subsection (e) of this section. Such regulations may include quarantine or confinement requirements for animals exposed to or potentially exposed to rabies, 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.
- 397 (i) Any suspected or confirmed case of rabies shall be reported to the 398 State Veterinarian by the testing diagnostic laboratory or a local 399 director of health or any licensed veterinarian not later than twentyfour hours after receipt of such information.
- 401 (k) Any person who fails to comply with any quarantine or

LCO No. 5117 **13** of 15 confinement 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.

(l) 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 political subdivision of the state shall be exempt from the provisions of this section when such dog or other animal owned by or in the custody and control of such agency is currently vaccinated for rabies and is subject to routine veterinary care. Any guide dog or other animal owned by or in the custody and control of a blind person or a person with a mobility impairment shall be exempt from the provisions of this section when such guide dog or other animal is currently vaccinated for rabies and is subject to routine veterinary care.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	22-358
Sec. 2	July 1, 2019	22-359

Statement of Purpose:

To clarify statutes concerning animal quarantine and disposal orders issued after a dog or other animal bites or attacks.

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[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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