



General Assembly

**Substitute Bill No. 1148**

January Session, 2023



**AN ACT AUTHORIZING CERTAIN KILLING OF BLACK BEAR AND PROHIBITING BIRD FEEDERS AND OTHER UNINTENTIONAL AND INTENTIONAL FEEDING OF POTENTIALLY DANGEROUS ANIMALS.**

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

1 Section 1. Section 26-47 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) When it is shown to the satisfaction of the commissioner that  
4 wildlife is causing unreasonable damage to agricultural crops during  
5 the night and it is found by the commissioner that control of such  
6 damage by wildlife is impracticable during the daylight hours, the  
7 commissioner may issue permits for the taking of such wildlife as the  
8 commissioner deems necessary to control such damage by such method  
9 as the commissioner determines, including the use of lights, during the  
10 period between sunset and sunrise, upon written application of the  
11 owner or lessee of record of the land on which such crops are grown.  
12 Such permits may be issued to any qualified person designated by such  
13 landowner or lessee. The person to whom such permit is issued shall be  
14 held responsible for complying with the conditions under which such  
15 permit is issued. The provisions of this section shall not apply to deer.

16 (b) (1) No person shall engage in the business of controlling nuisance  
17 wildlife, other than rats or mice, without obtaining a license from the

18 commissioner. Such license shall be valid for a period of two years and  
19 may be renewed in accordance with a schedule established by the  
20 commissioner. The fee for such license shall be two hundred fifty  
21 dollars. The controlling of nuisance wildlife at the direction of the  
22 commissioner shall not constitute engaging in the business of  
23 controlling nuisance wildlife for the purposes of this section. No person  
24 shall be licensed under this subsection unless the person: (A) Provides  
25 evidence, satisfactory to the commissioner, that the person has  
26 completed training which included instruction in site evaluation,  
27 methods of nonlethal and approved lethal resolution of common  
28 nuisance wildlife problems, techniques to prevent reoccurrence of such  
29 problems and humane capture, handling and euthanasia of nuisance  
30 wildlife and instruction in methods of nonlethal resolution of common  
31 nuisance wildlife problems, including, but not limited to, training  
32 regarding frightening devices, repellants, one-way door exclusion and  
33 other exclusion methods, habitat modification and live-trapping and  
34 releasing and other methods as the commissioner may deem  
35 appropriate; and (B) is a resident of this state or of a state that does not  
36 prohibit residents of this state from being licensed as nuisance wildlife  
37 control operators because of lack of residency.

38 (2) The licensure requirements shall apply to municipal employees  
39 who engage in the control or handling of animals, including, but not  
40 limited to, animal control officers, except that no license shall be  
41 required of such employees for the emergency control of rabies.  
42 Notwithstanding the requirements of this subsection, the commissioner  
43 shall waive the licensure fee for such employees. The commissioner  
44 shall provide to such municipal employees, without charge, the training  
45 required for licensure under this subsection. A license held by a  
46 municipal employee shall be noncommercial, nontransferable and  
47 conditional upon municipal employment.

48 (3) The commissioner shall adopt regulations, in accordance with the  
49 provisions of chapter 54, which (A) define the scope and methods for  
50 controlling nuisance wildlife provided such regulations shall

51 incorporate the recommendations of the 1993 report of the American  
52 Veterinary Medical Association panel on euthanasia and further  
53 provided such regulations may provide for the use of specific  
54 alternatives to such recommendations only in specified circumstances  
55 where use of a method of killing approved by such association would  
56 involve an imminent threat to human health or safety and only if such  
57 alternatives are designed to kill the animal as quickly and painlessly as  
58 practicable while protecting human health and safety, and (B) establish  
59 criteria and procedures for issuance of a license.

60 (4) Except as otherwise provided in regulations adopted under this  
61 section, no person licensed under this subsection may kill any animal by  
62 any method which does not conform to the recommendations of the  
63 1993 report of the American Veterinary Medical Association panel on  
64 euthanasia. No person may advertise any services relating to humane  
65 capture or relocation of wildlife unless all methods employed in such  
66 services conform to such regulations.

67 (5) Any person licensed under this subsection shall provide all clients  
68 with a written statement approved by the commissioner regarding  
69 approved lethal and nonlethal options, as provided in this subsection,  
70 which are available to the client for resolution of common nuisance  
71 problems. If a written statement cannot be delivered to the client prior  
72 to services being rendered, the licensee shall leave the statement at the  
73 job site or other location arranged with the client.

74 (6) Each person licensed under this subsection shall submit a report  
75 to the commissioner, on such date as the commissioner may determine,  
76 that specifies the means utilized in each case of nuisance wildlife control  
77 service provided in the preceding calendar year including any method  
78 used in those cases where an animal was killed. Any information  
79 included in such report which identifies a client of such person or the  
80 client's street address may be released by the commissioner only  
81 pursuant to an investigation related to enforcement of this section.

82 (c) Any person who violates any provision of this section, or any

83 condition under which a permit or license is issued, shall be guilty of a  
84 class D misdemeanor; and any permit or license issued to such person,  
85 and all other such permits or licenses issued to any other person for such  
86 property, shall be revoked by the commissioner and the right to obtain  
87 such permit or license shall remain suspended for such period of time  
88 as the commissioner determines.

89 (d) Any permit or license issued under this section shall not authorize  
90 the taking of deer.

91 (e) Notwithstanding the provisions of subsection (a) of this section,  
92 the Commissioner of Energy and Environmental Protection may issue  
93 permits for the taking of wildlife that threatens or causes damage to  
94 agricultural crops, livestock or apiaries, if: (1) The owner or lessee of the  
95 subject property utilized reasonable nonlethal efforts to protect such  
96 crops, apiaries or livestock, including, but not limited to, electric  
97 fencing, animal guardians or fortified enclosed structures, and (2) an  
98 investigation by Department of Energy and Environmental Protection  
99 personnel determines that the taking of such wildlife is necessary to  
100 protect agricultural crops, apiaries or livestock from excessive damage  
101 and that reasonable nonlethal efforts to protect such crops, apiaries or  
102 livestock have not been or are not likely to be successful in preventing  
103 further damage. Any such permit issued pursuant to this subsection  
104 shall specify the means, methods and times for which such take is  
105 allowed and shall only be issued by the commissioner to the: (A) Owner  
106 of the subject property on which such excessive damage occurred, (B)  
107 agent of such owner, or (C) lessee of such subject property, provided  
108 such lessee has the written permission of such owner to take wildlife.  
109 Any wildlife taken pursuant to this section shall be disposed of as  
110 directed by the department. The provisions of this subsection shall not  
111 be construed to authorize the taking of any federally protected species.

112 Sec. 2. Section 26-80a of the general statutes is repealed and the  
113 following is substituted in lieu thereof (*Effective October 1, 2023*):

114 (a) Any person who takes moose or bear in violation of this part shall

115 (1) for a first offense, be fined not more than five hundred dollars or  
116 imprisoned not more than thirty days, or both, and the Commissioner  
117 of Energy and Environmental Protection shall suspend such person's  
118 hunting license for a period of not less than one year, (2) for a second  
119 offense, be fined not more than seven hundred fifty dollars or  
120 imprisoned not more than three months, or both, and the commissioner  
121 shall suspend such person's hunting license for a period of not less than  
122 two years, and (3) for a third or subsequent offense, be fined not more  
123 than one thousand dollars or imprisoned not more than six months, or  
124 both, and the commissioner shall permanently revoke such person's  
125 hunting license.

126 (b) Nothing in this section shall prevent the commissioner from  
127 designating an open season on the hunting of moose and bear pursuant  
128 to this part.

129 (c) Nothing in this section shall be construed to prevent any person  
130 from using deadly physical force to kill a bear if such person reasonably  
131 believes that a bear is: (1) Inflicting or is about to inflict great bodily  
132 harm to a human, (2) injuring or killing such person's pet that is  
133 otherwise controlled in accordance with any applicable provision of the  
134 general statutes or any regulation adopted pursuant to such a provision,  
135 or (3) entering a building occupied by persons.

136 Sec. 3. Section 26-25a of the general statutes is repealed and the  
137 following is substituted in lieu thereof (*Effective October 1, 2023*):

138 (a) (1) For purposes of this section:

139 (A) "Intentionally feed" means to place, provide, give, expose,  
140 deposit, scatter or distribute any edible material or attractant with the  
141 intent of feeding, attracting or enticing potentially dangerous animals.

142 (B) "Potentially dangerous animal" means any of the following: (i)  
143 The felidae, including, but not limited to, bobcat; (ii) the canidae,  
144 including, but not limited to, coyote and fox; and (iii) the ursidae,  
145 including, but not limited to, black bear.

146 (C) "Unintentionally feed" means to place, provide, give, expose,  
147 deposit, scatter or store any edible material for which an intent other  
148 than to attract or entice a potentially dangerous animal that results in  
149 attracting a potentially dangerous animal.

150 (2) No person shall intentionally feed any potentially dangerous  
151 animal on any land that is not owned by the state.

152 (3) Notwithstanding the provisions of subdivision (2) of this  
153 subsection, any person who unintentionally feeds a potentially  
154 dangerous animal shall be in violation of subdivision (2) of this  
155 subsection if any officer described in subsection (b) of this section issues  
156 a written notice to such person and such person continues to engage in  
157 such unintentional feeding.

158 (4) The provisions of this subsection shall not be construed to apply  
159 to: (A) Composting at facilities authorized pursuant to section 22a-208a  
160 or 22a-430, provided best management practices are used to mitigate the  
161 attraction of any potentially dangerous animal, (B) small-scale  
162 composting operations, (C) the composting of agricultural waste, (D)  
163 the disposal of agricultural mortalities, or (E) agriculture, farming or  
164 aquaculture.

165 (5) The Commissioner of Energy and Environmental Protection may  
166 adopt regulations, in accordance with the provisions of chapter 54, to  
167 implement the provisions of this subsection.

168 [(a)] (6) The Commissioner of Energy and Environmental Protection  
169 may adopt regulations in accordance with the provisions of chapter 54  
170 prohibiting or restricting the feeding of wildlife on state-owned  
171 property. Such regulations shall include, but not be limited to,  
172 procedures for designating areas subject to such prohibitions or  
173 restrictions. Any such designation shall be effective after public notice  
174 and a public comment period.

175 (b) Any conservation officer appointed pursuant to section 26-5 and  
176 any other officer authorized to serve criminal process may enforce the

177 provisions of this section and any regulations adopted pursuant to  
178 [subsection (a) of] this section. Any violation of this section or any such  
179 regulations shall be an infraction.

180 (c) Notwithstanding the provisions of subsection (a) of this section,  
181 any municipal ordinance that is more restrictive than the provisions of  
182 this section concerning the intentional feeding of wildlife on land that is  
183 not owned by the state shall not be preempted by the provisions of  
184 subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	26-47
Sec. 2	October 1, 2023	26-80a
Sec. 3	October 1, 2023	26-25a

**ENV**      *Joint Favorable Subst.*