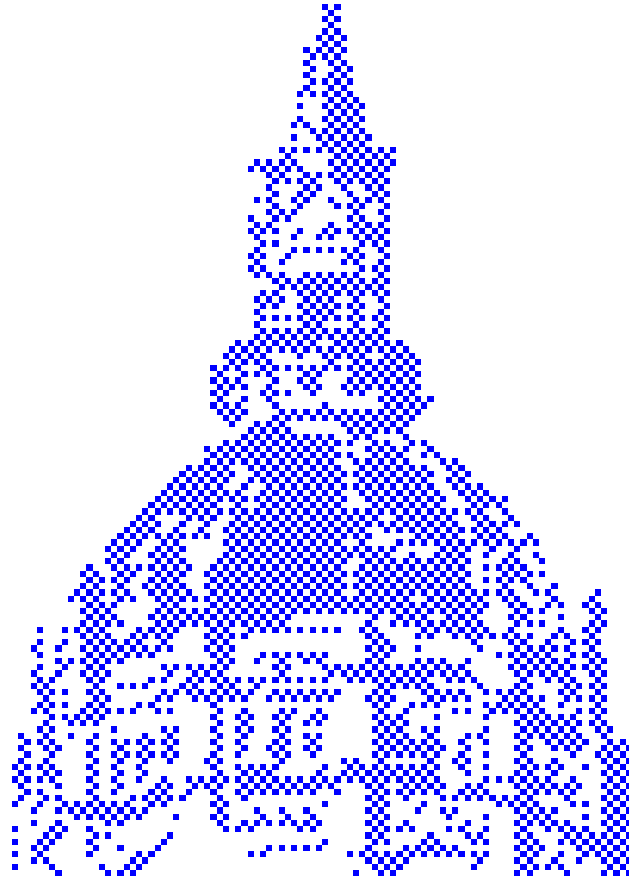




ACTS AFFECTING ANIMALS AND AGRICULTURE



2015-R-0164

Janet Kaminski Leduc, Senior Legislative Attorney

July 23, 2015

NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting animals and agriculture enacted during the 2015 legislative session. In each summary, we indicate the public act (PA) number.

Not all provisions of the acts are included here. Complete summaries of all 2015 public acts are available on OLR's webpage: <http://cga.ct.gov/olr/olrpassums.asp>.

Readers are encouraged to obtain the full texts of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

Table of Contents

AGRICULTURAL SCIENCE CENTERS.....	4
AGRICULTURE HEARING OFFICERS	4
ANIMAL-ASSISTED THERAPY SERVICES	4
ANIMAL CONTROL OFFICERS (ACO)	4
<i>ACO Duties Extended</i>	<i>4</i>
<i>Assault of an ACO</i>	<i>5</i>
ANIMAL RESEARCH OR TESTING	5
BOND AUTHORIZATIONS.....	5
COMMERCIAL FISHERY REFORMS.....	5
COMMUNITY INVESTMENT ACCOUNT (CIA).....	6
CONNECTICUT-GROWN FARM PRODUCTS.....	6
FARM WINERIES	6
FARMERS' MARKET BEER SALES PERMIT	6
FARMLAND RESTORATION PROGRAM.....	7
INDUSTRIAL HEMP	7
NOISE-MAKING DEVICES.....	7
RAW MILK HERD SHARES	8
SHELLFISH	8
<i>Aquaculture Advisory Council</i>	<i>8</i>
<i>Shellfish Grounds Lessee Whistleblower Provisions</i>	<i>8</i>
<i>Shellfish Testing Laboratory Report.....</i>	<i>8</i>
VETERANS TO AGRICULTURE PROGRAM	9

AGRICULTURAL SCIENCE CENTERS

A new law grants agricultural science center internship providers civil liability immunity from students and their parents or guardians for student interns' personal injuries, unless the injuries are caused by the providers' gross or willful negligence. It also specifies that agricultural science center equipment and facilities purchased with state grants must be used exclusively by the agricultural science centers.

([PA 15-215](#), §§ 8 & 10, effective July 1, 2015)

AGRICULTURE HEARING OFFICERS

A new law expands the Department of Agriculture (DoAg) commissioner's authority to designate people he deems qualified to carry out certain agency functions, including administrative proceedings.

([PA 15-5, June Special Session \(JSS\)](#), §§ 119-120, effective October 1, 2015)

ANIMAL-ASSISTED THERAPY SERVICES

A new law makes several changes to the law concerning animal-assisted therapy services. It requires the Department of Children and Families commissioner, in consultation with the DoAg commissioner and within

available appropriations, to develop a protocol to identify and mobilize animal-assisted critical incident response teams statewide, instead of one that identifies a canine crisis response team as required under prior law. The act extends the deadline for this requirement by two years, from January 1, 2014 to January 1, 2016.

It requires the teams to be available to provide animal-assisted activities, not just animal-assisted therapy. As under prior law, the teams must operate on a volunteer basis and be available on 24 hours' notice.

([PA 15-208](#), effective upon passage)

ANIMAL CONTROL OFFICERS (ACO)

ACO Duties Extended

A new law extends the duties of ACOs to include enforcing laws on domestic animals, instead of just dogs. It also requires municipal pounds to accommodate domestic animals, in the same way that they must accommodate dogs. This means the pounds must, among other things, maintain a suitable building to comfortably keep and care for detained domestic animals.

([PA 15-103](#), effective October 1, 2015)

Assault of an ACO

A new law makes assault of a state or municipal ACO a class C felony. Prior law did not have a specific crime for assaulting ACOs. By law, class C felonies are punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

([PA 15-211](#), § 15, effective October 1, 2015)

ANIMAL RESEARCH OR TESTING

A new law requires public and private higher education institutions, under certain circumstances, to offer any cat or dog on which they have conducted research or testing to an animal adoption or rescue organization for adoption. An adoption offer must only occur when the (1) research or testing is complete, (2) destruction of the animal is not required, and (3) animal is no longer needed by the institution. The act allows the institutions to enter into agreements with the adoption or rescue organizations for this purpose.

([PA 15-201](#), effective October 1, 2015)

BOND AUTHORIZATIONS

A new law authorizes general obligation bonds for various state projects and grant programs, including \$11.7 million for the Agricultural Experiment Station, \$1 million for DoAg's Farm Reinvestment Program,

and \$20 million for a regional dog pound program. The bonds are subject to standard issuance procedures and have a maximum term of 20 years.

([PA 15-1, JSS](#), §§ 21(i), 32(d), & 223-224, effective July 1, 2016)

COMMERCIAL FISHERY REFORMS

A new law makes numerous changes to the commercial fishing statutes. Among other things, the act:

1. transfers from DoAg to the Department of Energy and Environmental Protection (DEEP) responsibility for regulating whelk;
2. (a) establishes, and sets fees for, a whelk license, restricted commercial fishing license, and restricted commercial lobster pot fishing license; (b) establishes a fee for a quota-managed species endorsement; and (c) decreases the fee for a personal use lobster fishing license;
3. establishes a renewal period for limited access licenses under which a holder must apply annually by March 31 or the license will be retired; and
4. limits to state residents the transferability of certain resident limited access licenses.

The act also changes the penalties associated with violating the commercial fishing statutes.

([PA 15-52](#), effective January 1, 2016)

COMMUNITY INVESTMENT ACCOUNT (CIA)

From January 1, 2016 to June 30, 2017, a new law diverts to the General Fund, on a quarterly basis, 50% of the funds deposited in the CIA. It requires any funds remaining in the account to be distributed according to existing law.

By law, the CIA contains land use document recording fees town clerks remit to the state treasurer. Money from the account is distributed quarterly to the agriculture sustainability account for milk producer grants and to DEEP, DoAg, the Department of Housing, and the Department of Economic and Community Development for various purposes.

([PA 15-244](#), § 93, effective July 1, 2016)

CONNECTICUT-GROWN FARM PRODUCTS

A new law requires anyone selling a claimed Connecticut-grown farm product at a farmers' market to do so in the immediate proximity of a sign that (1) identifies it as Connecticut-grown and (2) discloses the name and address of the person or business that

grew or produced it. Violators receive a warning for a first violation and a \$100 fine for each subsequent violation.

The act also increases, from \$25 to \$100, the fine for violating the Connecticut-Grown law. Under the law, only products grown or produced in Connecticut may be advertised or sold as Connecticut-grown. Products grown or produced in Connecticut or within a 10-mile radius of the point of sale may be labeled as native, native grown, local, or locally grown.

([PA 15-245](#), effective October 1, 2015)

FARM WINERIES

A new law limits licensed farm wineries that offer tastings of free wine or brandy samples to dispensing such samples out of bottles or containers that hold no more than two gallons. It also allows wineries to sell on their premises brandy manufactured from Connecticut-harvested fruit and distilled in-state but off the premises

([PA 15-24](#), §§ 4 & 8, effective upon passage, except for the dispensing provision, which is effective July 1, 2015)

FARMERS' MARKET BEER SALES PERMIT

A new law creates a farmers' market beer sales permit that allows manufacturer permittees for beer,

brewpubs, and beer and brewpubs, to sell beer they manufacture at up to three farmers' market locations a year for an unlimited number of appearances. The act (1) makes the consumer protection commissioner responsible for issuing the permits, (2) makes the permits valid for one year, and (3) establishes a \$250 annual fee and \$100 nonrefundable filing fee.

In order to sell at a farmers' market, the permittee must (1) have an invitation from the farmers' market; (2) sell only sealed bottles of beer for off-premises consumption; and (3) be present, or have an authorized representative present, anytime beer is sold. The permittee may only sell up to five liters of beer per day to any one person.

([PA 15-24](#), § 10, effective upon passage)

FARMLAND RESTORATION PROGRAM

A new law expands the items reimbursable to farmers under the farmland restoration program. It also increases the maximum reimbursement under the program for management or restoration plans for certain state or municipal lands. By law, the program encourages farmers to restore farmland that has gone out of production.

([PA 15-22](#), as amended by [PA 15-5, JSS](#), § 121, effective October 1, 2015)

INDUSTRIAL HEMP

A new law legalizes industrial hemp by removing it from the definitions of "marijuana" and "cannabis-type substances." Thus, the act eliminates industrial hemp's status as a controlled substance and allows it to be grown, used, and sold under state law.

([PA 15-202](#), effective July 1, 2015)

NOISE-MAKING DEVICES

A new act makes changes in the law requiring a DoAg permit to use a noisemaking device (e.g., "corn cannon") to deter wildlife from damaging crops. The act requires permit applicants to include an estimate of potential crop loss with the information they provide in their application to the DoAg commissioner. It makes optional, rather than mandatory, on-site inspections by the commissioner or his designee before making a final decision on an application.

The act adds to the law's operation requirements that the devices be (1) operated according to manufacturer recommendations and any commissioner-imposed conditions and (2) labeled with the operator's contact information.

It restricts the circumstances in which the commissioner may exercise his authority to revoke a permit for a violation of the noisemaking device law. Instead of allowing him to revoke one for any violation, the act requires him, or his designee, to issue warning notices for the first two violations in a year, and restricts revocation to cases of three violations in a year.

The act establishes a fine of \$100 for a first offense and \$300 for any subsequent offense for operating a device without a permit.

([PA 15-121](#), effective October 1, 2015)

RAW MILK HERD SHARES

A new law exempts transferring or exchanging raw milk between people who are part of a shared animal ownership agreement from the general ban on selling, offering for barter, exchange, or sale, or distributing raw milk from an unregistered dairy farm.

([PA 15-101](#), effective upon passage)

SHELLFISH

Aquaculture Advisory Council

A new law establishes a 13-member Aquaculture Advisory Council to, among other things, develop recommendations to expand the state's shellfish industry. The council must meet quarterly and, beginning

by July 1, 2016, report annually to the governor and Environment Committee.

([PA 15-5, JSS](#), § 116, effective July 1, 2015)

Shellfish Grounds Lessee Whistleblower Provisions

Under a new law, an officer or employee of a state shellfish grounds lessee may not take or threaten to take any personnel action against another employee of the lessee in retaliation for the employee giving (1) information to the leasing agency (e.g., the state or municipality) about the shellfish grounds lease or (2) testimony or assistance in any whistleblower proceeding. If such an action is taken or threatened, the act establishes a procedure for filing a (1) complaint against the lessee with the chief human rights referee or (2) civil action in Superior Court.

([PA 15-5, JSS](#), § 117, effective July 1, 2015)

Shellfish Testing Laboratory Report

A new law requires the DoAg commissioner, after consulting with the public health commissioner, to report to the Environment Committee by July 1, 2016 on the need for and viability of establishing a laboratory east of the Connecticut River for testing shellfish.

([PA 15-5, JSS](#), § 118, effective upon passage)

VETERANS TO AGRICULTURE PROGRAM

A new law creates a tax incentive to encourage certain veterans to start a farming business. It does this by relaxing the conditions eligible veterans must meet to qualify for a sales and use tax exemption permit for personal property used exclusively in commercial agricultural production. Under the act, an "eligible veteran" is one who has never owned or leased property for commercial agricultural production or did so for less than two years.

The act also allows DoAg to collaborate with the Labor and Veterans' Affairs departments and UConn Cooperative Extension Service to (1) encourage and help veterans start or expand an agricultural business and (2) provide education and training opportunities to veterans in farming and agricultural operations.

([PA 15-117](#), effective upon passage)

JKL:tjo