



Substitute Senate Bill No. 1148

Public Act No. 23-77

AN ACT AUTHORIZING CERTAIN KILLING OF BLACK BEAR AND PROHIBITING INTENTIONAL FEEDING OF POTENTIALLY DANGEROUS ANIMALS.

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

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 Section 26-47 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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

(b) (1) No person shall engage in the business of controlling nuisance

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wildlife, other than rats or mice, without obtaining a license from the commissioner. Such license shall be valid for a period of two years and may be renewed in accordance with a schedule established by the commissioner. The fee for such license shall be two hundred fifty dollars. The controlling of nuisance wildlife at the direction of the commissioner shall not constitute engaging in the business of controlling nuisance wildlife for the purposes of this section. No person shall be licensed under this subsection unless the person: (A) Provides evidence, satisfactory to the commissioner, that the person has completed training which included instruction in site evaluation, methods of nonlethal and approved lethal resolution of common nuisance wildlife problems, techniques to prevent reoccurrence of such problems and humane capture, handling and euthanasia of nuisance wildlife and instruction in methods of nonlethal resolution of common nuisance wildlife problems, including, but not limited to, training regarding frightening devices, repellants, one-way door exclusion and other exclusion methods, habitat modification and live-trapping and releasing and other methods as the commissioner may deem appropriate; and (B) is a resident of this state or of a state that does not prohibit residents of this state from being licensed as nuisance wildlife control operators because of lack of residency.

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

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(3) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, which (A) define the scope and methods for controlling nuisance wildlife provided such regulations shall incorporate the recommendations of the 1993 report of the American Veterinary Medical Association panel on euthanasia and further provided such regulations may provide for the use of specific alternatives to such recommendations only in specified circumstances where use of a method of killing approved by such association would involve an imminent threat to human health or safety and only if such alternatives are designed to kill the animal as quickly and painlessly as practicable while protecting human health and safety, and (B) establish criteria and procedures for issuance of a license.

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

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

(6) Each person licensed under this subsection shall submit a report to the commissioner, on such date as the commissioner may determine, that specifies the means utilized in each case of nuisance wildlife control service provided in the preceding calendar year including any method used in those cases where an animal was killed. Any information

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included in such report which identifies a client of such person or the client's street address may be released by the commissioner only pursuant to an investigation related to enforcement of this section.

(c) Any person who violates any provision of this section, or any condition under which a permit or license is issued, shall be guilty of a class D misdemeanor; and any permit or license issued to such person, and all other such permits or licenses issued to any other person for such property, shall be revoked by the commissioner and the right to obtain such permit or license shall remain suspended for such period of time as the commissioner determines.

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

(e) Notwithstanding the provisions of subsection (a) of this section, the Commissioner of Energy and Environmental Protection may issue permits for the taking of wildlife that threatens or causes damage to agricultural crops, livestock or apiaries, if: (1) The owner or lessee of the subject property utilized reasonable nonlethal efforts to protect such crops, apiaries or livestock, including, but not limited to, electric fencing, animal guardians or fortified enclosed structures, and (2) an investigation by Department of Energy and Environmental Protection personnel determines that the taking of such wildlife is necessary to protect agricultural crops, apiaries or livestock from excessive damage and that reasonable nonlethal efforts to protect such crops, apiaries or livestock have not been or are not likely to be successful in preventing further damage. Any such permit issued pursuant to this subsection shall specify the means, methods and times for which such take is allowed and shall only be issued by the commissioner to the: (A) Owner of the subject property on which such excessive damage occurred, (B) agent of such owner, or (C) lessee of such subject property, provided such lessee has the written permission of such owner to take wildlife. Any wildlife taken pursuant to this section shall be disposed of as

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directed by the department. The provisions of this subsection shall not be construed to authorize the taking of any federally protected species.

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

(a) Any person who takes moose or bear in violation of this part shall (1) for a first offense, be fined not more than five hundred dollars or imprisoned not more than thirty days, or both, and the Commissioner of Energy and Environmental Protection shall suspend such person's hunting license for a period of not less than one year, (2) for a second offense, be fined not more than seven hundred fifty dollars or imprisoned not more than three months, or both, and the commissioner shall suspend such person's hunting license for a period of not less than two years, and (3) for a third or subsequent offense, be fined not more than one thousand dollars or imprisoned not more than six months, or both, and the commissioner shall permanently revoke such person's hunting license.

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

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

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

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

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

(B) "Potentially dangerous animal" means any of the following: (i) The felidae, including, but not limited to, bobcat; (ii) the canidae, including, but not limited to, coyote and fox; and (iii) the ursidae, including, but not limited to, black bear. "Potentially dangerous animal" does not include any: (I) Domestic cat or dog, or (II) animal under the care, custody or control of any zoo or wildlife facility.

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

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

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

[(a)] (5) The Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 prohibiting or restricting the feeding of wildlife on state-owned property. Such regulations shall include, but not be limited to, procedures for designating areas subject to such prohibitions or restrictions. Any such designation shall be effective after public notice and a public comment period.

(b) Any conservation officer appointed pursuant to section 26-5 and

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any other officer authorized to serve criminal process may enforce the provisions of this section and any regulations adopted pursuant to [subsection (a) of] this section. Any violation of this section or any such regulations shall be an infraction.

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