

Bill as
Introduced

SB 370-FN - AS INTRODUCED

2012 SESSION

12-2976

08/10

SENATE BILL **370-FN**

AN ACT relative to the breeding of dogs for sale or transfer.

SPONSORS: Sen. Odell, Dist 8; Sen. Carson, Dist 14; Rep. Bettencourt, Rock 4; Rep. Cooney,
Graf 7; Rep. Gile, Merr 10

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill:

I. Provides minimum welfare requirements for dog breeders.

II. Allows the commissioner of the department of agriculture, markets and food to appoint agents to inspect complaints relative to breeders.

III. Provides penalties for any breeders who violate the welfare requirements.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1 X. "Surgical birth" means birth by cutting through the abdomen and uterus in order to
2 deliver the dog.

3 XI. "Tail docking" means docking, cutting off, causing or procuring the docking or cutting off
4 of the tail of a dog over 5 days old.

5 437:24 Requirements.

6 I. Notwithstanding any other provision of law, any person having custody or ownership of
7 more than 10 female covered dogs for the purpose of breeding those animals and selling any
8 offspring for use as a pet shall provide each covered dog:

9 (a) Sufficient food and clean water;

10 (b) Necessary veterinary care;

11 (c) Sufficient housing, including protection from the elements;

12 (d) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs,
13 including:

14 (1) Sufficient indoor space for each dog to turn in a complete circle without any
15 impediment, including a tether;

16 (2) Enough indoor space for each dog to lie down and fully extend his or her limbs
17 and stretch freely without touching the side of an enclosure or another dog;

18 (3) At least one foot of headroom above the head of the tallest dog in the enclosure;
19 and

20 (4) Where the length of the dog measured from the tip of the nose to the base of the
21 tail:

22 (A) at least 12 square feet of indoor floor space per each dog up to 25 inches long;

23 (B) at least 20 square feet of indoor floor space per each dog between 25 and 35
24 inches long; and

25 (C) at least 30 square feet of indoor floor space per each dog for dogs 35 inches
26 and longer.

27 (e) Regular exercise; and

28 (f) Adequate rest between breeding cycles.

29 III. Notwithstanding any other provision of law, no person shall have custody of more than
30 50 covered dogs for the purpose of breeding those animals and selling any offspring for use as a pet.

31 IV. Debarking, tail docking, and surgical birth is prohibited unless performed under general
32 anesthesia by a licensed veterinarian.

33 437:25 Duties of the Commissioner.

34 I. The commissioner of the department of agriculture, markets, and food, or designee,
35 including any duly appointed agent of any humane society, S.P.C.A. incorporated in the state of New
36 Hampshire, or animal control officer, is hereby authorized on the commissioner's own initiative or
37 pursuant to complaints of other persons to investigate complaints made pursuant to this section.

1 II. The commissioner of the department of agriculture, markets, and food may adopt rules
2 under RSA 541-A for procedures for investigations of complaints as necessary to carry out the
3 provisions of this chapter.

4 437:26 Penalties.

5 I. Any person who violates this subdivision shall be guilty of a class A misdemeanor and
6 each violation shall constitute a separate offense. If any violation of this subdivision meets the
7 definition of animal cruelty in RSA 644:8, the defendant may be charged and penalized under that
8 section instead.

9 II. Any person or owner who violates any of the provisions of this subdivision or rule adopted
10 under it may be subject to an administrative fine not to exceed \$1000 for each violation.

11 437:27 Applicability of Other Laws.

12 I. The provisions of this subdivision shall be in addition to, and not in lieu of, any other state
13 and federal laws protecting animal welfare.

14 II. This subdivision shall not be construed to:

15 (a) Limit any state law or regulation protecting the welfare of animals, nor shall
16 anything in this subdivision prevent a local governing body from adopting and enforcing its own
17 animal welfare laws and regulations in addition to this subdivision.

18 (b) Place any numerical limits on the number of dogs a person may own or control when
19 such dogs are not used for breeding those animals and selling any offspring for use as a pet.

20 (c) Apply to a dog during examination, testing, operation, recuperation, or other
21 individual treatment for veterinary purposes; during lawful scientific research; during
22 transportation; during cleaning of a dog's enclosure; during supervised outdoor exercise; or during
23 any emergency that places a dog's life in imminent danger.

24 (d) Apply to any retail pet store; animal shelter as defined in RSA 437:2; hobby or show
25 breeders who have custody of no more than 10 female covered dogs for the purpose of breeding those
26 dogs and selling any offspring for use as a pet; or dog trainer who does not breed and sell any dogs
27 for use as a pet.

28 (e) Limit hunting or the ability to breed, raise, or sell hunting dogs.

29 2 Effective Date. This act shall take effect January 1, 2013.

SB 370-FN - AS INTRODUCED

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LBAO
12-2976
12/21/11

SB 370-FN - FISCAL NOTE

AN ACT relative to the breeding of dogs for sale or transfer.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Judicial Branch and Department of Justice. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

SB 370-FN – AS AMENDED BY THE SENATE

02/15/12 0703s

2012 SESSION

12-2976

08/10

SENATE BILL **370-FN**

AN ACT relative to the powers of law enforcement and animal control officers.

SPONSORS: Sen. Odell, Dist 8; Sen. Carson, Dist 14; Rep. Bettencourt, Rock 4; Rep. Cooney, Graf 7; Rep. Gile, Merr 10

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill provides for powers of law enforcement and animal control officers.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 370-FN - AS AMENDED BY THE SENATE

02/15/12 0703s

12-2976
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to the powers of law enforcement and animal control officers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Powers of Law Enforcement and Animal Control Officers. Amend RSA 436:8 to read as
2 follows:

3 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of
4 the powers of the commissioner and shall have general charge of the enforcement of this chapter,
5 and shall devote his or her entire time and attention to the duties of his or her office. Complaints
6 under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals,
7 as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal
8 control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept
9 ***and who shall have the authority to investigate complaints and prosecute suspected***
10 ***violations.*** At the request of the local law enforcement agency, animal control officer, state police,
11 or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of
12 and investigating said complaints. In the event the commissioner becomes incapacitated or a
13 vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during
14 any such incapacity or until any such vacancy is filled. The commissioner may direct the state
15 veterinarian to act for him or her in an official capacity whenever he or she may be absent from his
16 or her duties.

17 2 Effective Date. This act shall take effect upon its passage.

LBAO
12-2976
12/21/11

SB 370-FN - FISCAL NOTE

AN ACT relative to the powers of law enforcement and animal control officers.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Judicial Branch and Department of Justice. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

SB 370 FISCAL NOTE

AN ACT relative to the powers of the state veterinarian.

FISCAL IMPACT:

The Department of Agriculture, Markets and Food states this bill, **as amended by the House (Amendment #2012-2119h)**, will have no fiscal impact on state, county and local expenditures or revenue.

METHODOLOGY:

The Department of Agriculture, Markets and Food states this bill clarifies the powers of law enforcement and animal control officers contained in RSA 436:8 so that it aligns with existing statute. The Department states this bill will have no fiscal impact on state, county and local expenditures or revenue.

CHAPTER 240
SB 370-FN - FINAL VERSION

02/15/12 0703s
15May2012... 2119h
06/06/12 2414CofC

2012 SESSION

12-2976
08/10

SENATE BILL **370-FN**

AN ACT relative to the powers of the state veterinarian.

SPONSORS: Sen. Odell, Dist 8; Sen. Carson, Dist 14; Rep. Bettencourt, Rock 4; Rep. Cooney, Graf 7; Rep. Gile, Merr 10

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill provides for powers of the state veterinarian.

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Explanation: Matter added to current law appears in **bold italics**.
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CHAPTER 240
SB 370-FN - FINAL VERSION

02/15/12 0703s
15May2012... 2119h
06/06/12 2414CofC

12-2976
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to the powers of the state veterinarian.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 240:1 Powers of Law Enforcement and Animal Control Officers. Amend RSA 436:8 to read as
2 follows:

3 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of
4 the powers of the commissioner and shall have general charge of the enforcement of this chapter[,
5 ~~and shall devote his or her entire time and attention to the duties of his or her office~~]. Complaints
6 under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals,
7 as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal
8 control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept.
9 At the request of the local law enforcement agency, animal control officer, state police, or sheriff, the
10 state veterinarian shall assist in a secondary capacity in enforcing the provisions of and
11 investigating said complaints. In the event the commissioner becomes incapacitated or a vacancy
12 occurs in the office, the state veterinarian shall perform all the duties of that office during any such
13 incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to
14 act for him or her in an official capacity whenever he or she may be absent from his or her duties.

15 240:2 Effective Date. This act shall take effect upon its passage.

16
17 Approved: June 18, 2012
18 Effective Date: June 18, 2012

Amendments

Amendment to SB 370-FN

1 Amend RSA 437:24-25 as inserted by section 1 of the bill by replacing them with the following:

2

3 437:24 Requirements.

4 I. Notwithstanding any other provision of law, any person having custody or ownership of
5 more than 10 female covered dogs for the purpose of breeding those animals and selling any
6 offspring for use as a pet shall provide each covered dog:

7 (a) Sufficient food and clean water;

8 (b) Necessary veterinary care;

9 (c) Sufficient housing, including protection from the elements;

10 (d) Sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs,

11 including:

12 (1) Sufficient indoor space for each dog to turn in a complete circle without any
13 impediment, including a tether;

14 (2) Enough indoor space for each dog to lie down and fully extend his or her limbs
15 and stretch freely without touching the side of an enclosure or another dog;

16 (3) At least one foot of headroom above the head of the tallest dog in the enclosure;

17 and

18 (4) Where the length of the dog measured from the tip of the nose to the base of the
19 tail:

20 (A) At least 12 square feet of indoor floor space per dog up to 25 inches long;

21 (B) At least 20 square feet of indoor floor space per dog between 25 and 35 inches
22 long; and

23 (C) At least 30 square feet of indoor floor space per dog for dogs 35 inches and
24 longer.

25 (e) Regular exercise; and

26 (f) Adequate rest between breeding cycles.

27 II. Debarking, tail docking, and surgical birth is prohibited unless performed under general
28 anesthesia by a licensed veterinarian.

29 437:25 Duties of the Commissioner.

30 I. The commissioner of the department of agriculture, markets, and food, or designee, is
31 hereby authorized on the commissioner's own initiative or pursuant to complaints of other persons to
32 investigate complaints made pursuant to this section.

Amendment to SB 370-FN

- Page 2 -

1 II. The commissioner of the department of agriculture, markets, and food may adopt rules
2 under RSA 541-A for procedures for investigations of complaints as necessary to carry out the
3 provisions of this chapter.

4
5 Amend RSA 437:26, II as inserted by section 1 of the bill by replacing it with the following:

6
7 II. Any person or owner who violates any of the provisions of this subdivision or rule adopted
8 under it may be subject to an administrative fine not to exceed \$1,000 for each violation.



Sen. Odell, Dist. 8
Rep. Cunningham, Sull. 2
January 18, 2012
2012-0253s
08/05

Amendment to SB 370-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the breeding of dogs for sale or transfer and the powers of law
4 enforcement and animal control officers.
5

6 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
7 read as 3:

8

9 2 Powers of Law Enforcement and Animal Control Officers. Amend RSA 436:8 to read as
10 follows:

11 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of
12 the powers of the commissioner and shall have general charge of the enforcement of this chapter,
13 and shall devote his or her entire time and attention to the duties of his or her office. Complaints
14 under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals,
15 as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal
16 control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept
17 *and who shall have the authority to investigate complaints and prosecute suspected*
18 *violations*. At the request of the local law enforcement agency, animal control officer, state police,
19 or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of
20 and investigating said complaints. In the event the commissioner becomes incapacitated or a
21 vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during
22 any such incapacity or until any such vacancy is filled. The commissioner may direct the state
23 veterinarian to act for him or her in an official capacity whenever he or she may be absent from his
24 or her duties.



2012-0253s

AMENDED ANALYSIS

This bill:

- I. Provides minimum welfare requirements for dog breeders.
- II. Allows the commissioner of the department of agriculture, markets and food to appoint agents to inspect complaints relative to breeders.
- III. Provides penalties for any breeders who violate the welfare requirements.
- IV. Provides for powers of law enforcement and animal control officers.



Amendment to SB 370-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the powers of law enforcement and animal control officers.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Powers of Law Enforcement and Animal Control Officers. Amend RSA 436:8 to read as
8 follows:

9 436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of
10 the powers of the commissioner and shall have general charge of the enforcement of this chapter,
11 and shall devote his or her entire time and attention to the duties of his or her office. Complaints
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13 as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal
14 control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept
15 *and who shall have the authority to investigate complaints and prosecute suspected*
16 *violations*. At the request of the local law enforcement agency, animal control officer, state police,
17 or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of
18 and investigating said complaints. In the event the commissioner becomes incapacitated or a
19 vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during
20 any such incapacity or until any such vacancy is filled. The commissioner may direct the state
21 veterinarian to act for him or her in an official capacity whenever he or she may be absent from his
22 or her duties.

23 2 Effective Date. This act shall take effect upon its passage.



2012-0703h

AMENDED ANALYSIS

This bill provides for powers of law enforcement and animal control officers.

Röp. Babson, Carr. 3
May 8, 2012
2012-2119h
08/04

Amendment to SB 370-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the powers of the state veterinarian.

Amend RSA 436:8 as inserted by section 1 of the bill by replacing it with the following:

436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter [~~and shall devote his or her entire time and attention to the duties of his or her office~~]. Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept. At the request of the local law enforcement agency, animal control officer, state police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of and investigating said complaints. In the event the commissioner becomes incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during any such incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to act for him or her in an official capacity whenever he or she may be absent from his or her duties.

2012-2119h

AMENDED ANALYSIS

This bill provides for powers of the state veterinarian.

SB 370-FN – AS AMENDED BY THE HOUSE

02/15/12 0703s

15May2012... 2119h

2012 SESSION

12-2976

08/10

SENATE BILL ***370-FN***

AN ACT relative to the powers of the state veterinarian.

SPONSORS: Sen. Odell, Dist 8; Sen. Carson, Dist 14; Rep. Bettencourt, Rock 4; Rep. Cooney, Graf 7; Rep. Gile, Merr 10

COMMITTEE: Executive Departments and Administration

AMENDED

AMENDED ANALYSIS

This bill provides for powers of the state veterinarian.

Explanation: Matter added to current law appears in ***bold italics***.Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

02/15/12 0703s

15May2012... 2119h

12-2976

08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to the powers of the state veterinarian.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Powers of Law Enforcement and Animal Control Officers. Amend RSA 436:8 to read as follows:

436:8 Powers. The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter [~~and shall devote his or her entire~~

~~time and attention to the duties of his or her office].~~ Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept. At the request of the local law enforcement agency, animal control officer, state police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of and investigating said complaints. In the event the commissioner becomes incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during any such incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to act for him or her in an official capacity whenever he or she may be absent from his or her duties.

2 Effective Date. This act shall take effect upon its passage.

LBAO

12-2976

Amended 02/24/12

SB 370 FISCAL NOTE

AN ACT relative to the powers of the state veterinarian.

FISCAL IMPACT:

The Department of Agriculture, Markets and Food states this bill, as amended by the Senate (Amendment #2012-0703s), will have no fiscal impact on state, county and local expenditures or revenue.

METHODOLOGY:

The Department of Agriculture, Markets and Food states this bill clarifies the powers of law enforcement and animal control officers contained in RSA 436:8 so that it aligns with existing statute. The Department states this bill will have no fiscal impact on state, county and local expenditures or revenue.

Committee Minutes

SENATE CALENDAR NOTICE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION

✓ Senator Sharon Carson Chairman
 ✓ Senator Fenton Groen V Chairman
 ✓ Senator Sylvia Larsen - in 1107
 ✓ Senator Jim Luther
 ✓ Senator Raymond White 56 AM open
 10:

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
<input type="checkbox"/> Docket	
<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: January 5, 2012

HEARINGS

Thursday

1/19/2012

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB213-FN	relative to the authority of state agencies to assess fines and penalties.
9:30 AM	SB240-FN	relative to the regulation of the practice of genetic counseling.
9:45 AM	SB249-FN	requiring a request for proposals for the administration and management of the New Hampshire retirement system.
10:05 AM	SB365-FN	authorizing state residents to join the state health care program.
10:25 AM	SB331	clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty.
10:45 AM	SB370-FN	relative to the breeding of dogs for sale or transfer.

Sponsors:

SB213-FN

Sen. Tom De Blois
 Sen. Jeanie Forrester
 Sen. Gary Lambert
 Rep. John Reagan

Sen. John Barnes, Jr.
 Sen. James Forsythe
 Sen. Andy Sanborn

Sen. David Boutin
 Sen. John Gallus
 Rep. Mark Warden

Sen. Sharon Carson
 Sen. Fenton Groen
 Rep. Andrew Manuse

SB240-FN

Sen. Sharon Carson
 Rep. Mary Griffin

Sen. Bob Odell

Rep. Laurie Harding

Rep. Mary Gile

SB249-FN

Sen. John Gallus

Sen. Raymond White

Rep. Neal Kurk

SB365-FN

Sen. John Gallus

Rep. Edmond Gionet

Rep. Robert Theberge

SB331

Sen. Jim Rausch
 Rep. Sherman Packard

Sen. David Boutin
 Rep. John Cloutier

Rep. John Graham

Rep. Kenneth Hawkins

SB370-FN

Sen. Bob Odell
 Rep. Mary Gile

Sen. Sharon Carson

Rep. David Bettencourt

Rep. Mary Cooney

Executive Dept. and Administration Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Chroniak, Legislative Aide

RE: Hearing report on SB 370-FN – relative to the breeding of dogs for sale or transfer.

HEARING DATE: January 19, 2012

MEMBERS OF THE COMMITTEE PRESENT: Senator Carson, Senator Groen, Senator Luther, Senator Larsen, Senator White

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Odell, Dist 8; Sen. Carson, Dist 14; Rep. Bettencourt, Rock 4; Rep. Cooney, Graf 7; Rep. Gile, Merr 10

What the bill does: This bill:

- I. Provides minimum welfare requirements for dog breeders.
- II. Allows the commissioner of the department of agriculture, markets and food to appoint agents to inspect complaints relative to breeders.
- III. Provides penalties for any breeders who violate the welfare requirements.

Who supports the bill: Rep. Steve Cunningham, Rep. Mary Stuart Gile, Genevieve Kruzal, Manchester, NH, Mary Scott, Hooksett, NH, Joanne Bourbeau, NE Regional Director, Humane Society of the United States

Who opposes the bill: Senator Rausch, Rep. Tara Sad, Stephen Crawford, DVM, New Hampshire Department of Agriculture, Jay Phinizy, Acworth, NH, Joyce Arivella, Dog Owners of Granite State, Barbara Schwartz, Pat Clamper, Kathy Farley, Nancy Homes, New Boston, NH, Sherry Morrall, Cindy Williams, Angela Adams, Elizabeth J. Fogg, Boscawen, NH, Britain Hill, Bonnie Pike, Durham, NH, Karen Knight, Nashua, NH, Elin Phinizy, Self, Acworth, Beth Franzen, Westmoreland, Robert Baker, Nashua, Robin

Williamson McBearty, Self, Greg Barker, Self, Georgelo Cook, Self,
 Angeliqne McFarland, Self, Lorraine Carey Block, North Country Mustang.

Summary of testimony received:

The Chair, Senator Carson opened the hearing at 10:56 a.m.

- **Senator Odell** stated that the bill before the Committee was originally introduced as a preemption of, what is known as puppy mills. The concept is this bill, as drafted, will put in place regulations and restrictions on the care and treatment of dogs that are being bred for sale or transfer.
- **Senator Odell** has conversed with Representative Cunningham, who is also the health officer for the Town of Croydon and found that there are the equivalent of something like puppy mills in his own neighborhood. Senator Odell has offered an amendment (2012-0213s) to this bill since its original draft, which takes out of the enforcement section the delegation of the Commissioner of Agriculture to a non-profit organization, as well as taking out limitation of 50 dogs for breeding (he is not sure the legislature should be mandating).
- Since the first amendment, Senator Odell has placed his name on a second amendment (2012-0253s), which Representative Cunningham is bringing forward, that will resolve some of the concerns that some people have in opposition to the bill. He further stated he had communications for strong support of the bill, and also for strong opposition, so he is asking for this bill to be ITL'd.
- **Representative Cunningham** (in support, with amendment #2012-0253s) (testimony provided), has served for 8 ½ years as a health officer in the Town of Croydon and has frequently had problems with puppy mills, which mills were run in homes with 40 or more dogs in their living room and kitchen. The conditions were not good. It is sometimes difficult to judge if they are dealing with an animal hoarder or a puppy mill.
- **Representative Cunningham** passed an ordinance which gave the health officer the authority to clear the house of the animals for the benefit of the humans living there. One thing which occurred that one of them moved their operation in to an out building, but not being a human residence, the health officer could not be involved.
- **Representative Cunningham** and Senator Rausch both spoke with Dr. Stephen Crawford, state veterinarian; they were made aware of a different RSA which already required that animal abuse be filed with local law enforcement and by the addition of enforcement authority included in this RSA now, instead of having a law that centralizes everything at the state level, they could now have a law at the local level. **Senator Carson** wanted to be clear and stated that the Representative's amendment would replace the entire bill. **Representative Cunningham** stated that the intention is for the original bill to vacate and we will now deal with a different RSA with a simple one sentence change. **Senator Carson** asked if this change would get at the problem of puppy mills. **Representative Cunningham** stated

that in his particular situation their Chief of Police would use his authority and aggressively enforce; this is not mandating. **Senator Carson** wanted to know if the role of the state veterinarian would stay the same or would that be handled by the local law enforcement. **Representative Cunningham** stated that this is not imposing an additional burden on the state veterinarian and that his role would stay the same, this would just allow local resources to be used. **Senator Carson** asked how the process started in finding out about the puppy mills. **Representative Cunningham** stated that a legitimate dog owner went to the premises and saw that there was a puppy mill in operation, in a home environment, which was then reported to the town. Also, a local pet store was relying on puppy mills to supply puppies to its store, and the purchaser complained about the dogs. **Senator Groen** asked if he was judging correctly from Representative Cunningham's amendment that current law is adequate defining the treatment of and cruelty to animals, but what is lacking was method of enforcement. **Representative Cunningham** stated that he was superficially interested and became more entangled stating that his Chief of Police was very frustrated with his lack of authority to control puppy mills. **Senator Groen** stated that under this amendment the authority is given to a local official and/or the state veterinarian; are the rules and the descriptions of treatment of animal cruelty adequate to give them reason to go there. **Representative Cunningham** stated that he did not know that answer. **Senator Luther** stated that after review of the Representative's amendment, he wanted to be clear, and that on line 6 of the amendment it does not sound like it is replacing the whole bill. **Representative Cunningham** stated that his amendment is referencing a different RSA then Senator Odell's original bill addressed. It is addressing only the change in a different RSA that will be the entire bill.

- **Jay Phinzy** (opposed) (testimony provided) stating that the amendment satisfies the problem, and emphasizes what Dr. Crawford wanted done, to put the onus on local enforcement when it comes to dealing with animal control laws. There are 150,000 to 200, 000 dogs in the state (estimate) – one or two cruelty convictions are not as a result of someone being a commercial dog breeder, but as a result of some kind of notion of cruelty, whether it may or may not be true. Mr. Phinzy believes that this problem does not exist in New Hampshire and believes that this bill creates more problems than it solves.

- **Dr. Stephen Crawford**, State Veterinarian, Department of Agriculture: (opposed) (testimony provided) Stating the local authorities do not need their help in enforcing the law. He went on to state that in NH RSA 644:8, IV-a (a) states "Except as provided in subparagraphs (b) and (c) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been or is being abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order. So the local authorities can intervene

when they believe they need to. The state veterinarian will still be available to assist the local authorities if needed.

- A couple of comments on the original bill; dog breeding is not agriculture by statute, but somehow their department ends up doing because they are the only animal people employed by the state. In the original bill under RSA 427:23 Definitions, V, "pet means any animal normally maintained in or near the household of the owner thereof." The department has some problem there if it was to be interpreted as livestock, and if so, that would have significant legal problems with agriculture (zoning could be challenged there). **Senator Groen** asked if it was **Dr. Crawford's** understanding, going back to the amendment #0253, that this replaces the existing bill or is it in addition to the existing bill. **Dr. Crawford** stated that if it replaces the original bill, they are in favor, but if not, they have those concerns. **Senator Carson** had a few questions, but did mention that the Committee needed to get back to **Senator Odell** to see exactly what the amendment did, and asked are the definitions adequate with rest between breeding cycles; is that appropriate, two litters in any 18 month period? **Dr. Crawford** stated that when you ask that question of breeders, you will get different answers. The Department does not have rules for "adequate rest" but when the rules come up for review they would take that under consideration. **Senator Carson** then asked about debarking and tail cutting. **Dr. Crawford** stated that there were no specifics, but he could not find a vet that would not do this without anesthesia; they usually dock tails at one or two days old, but not over 5 days. **Senator Larsen** asked to what extent NH has a puppy mill problem. **Dr. Crawford** stated that NH does have commercial breeders, and yes, there are problems and that they shut one down a couple of years ago. Right now in the State of New Hampshire, if anyone transports a dog they need to have a health certificate which goes with that dog. That is their tracking mechanisms to see when there are a lot of dogs being sold from a particular place. **Senator Carson** asked if commercial breeders were required to register with the state. **Dr. Crawford** noted that they were required to be licensed and inspected by the Department of Agriculture, and further noted that any time a dog or a cat is transferred, they should be transferred with a health certificate, whether they are for sale or to be given away.

- **Joyce Arivella**, (opposed) (testimony provided), President, Dog Owners of the Granite State, an American Kennel Club affiliated non-profit organization. Feels SB 370 presents numerous problems for responsible breeders. States protections for breeding dogs are already available in present law. She also stated that dogs sold by breeders are required, by law, to be checked by a licensed veterinarian. **Ms. Arivella** breeds Newfoundlands.

- **Barbara Swartz** (opposed) (testimony provided), a Collie breeder for 50 years. The primary reason that she is against the bill is she states that New Hampshire has the most protective laws in the country, which are being used as a model for many other states. The laws offer the most protection for

animals and protection for those who obtain animals from breeders who live in NH.

Another point of interest is the Humane Society of the United States has been trying to undo NH laws through its paid lobbyists. The HSUS is currently being investigated by the IRS and the AG of the USA. They do not support any rescue or local rescue.

The greatest danger of this bill would limit the number of unneutered dogs (male and female) one could have on their property. All research completed over the last eight years has shown that neutering dogs, especially before they reach maturity is detrimental to the health of the animal and can lead to earlier death.

Cannot legalize how each breed of dog can be housed. You cannot expect a Chihuahua and a Siberian husky to live in the same ambient environment.

- **Nancy Holmes** (opposed) (testimony provided) from New Boston, NH who is a dog breeder and who has worked five years on-line as a pet expert. After review of the bill Ms. Holmes believes the intent of this bill appears to be about control of the market for dogs as pets and elimination of local breeders as competition to animal shelter sales, as well as to permit harassment of any breeder of dogs, by untrained people, based on vague complaints.

- **Elizabeth Fogg**, Boscawen, NH (opposed) Cedar Fog Kennel and breeds retrievers. Ms. Fogg is a Board member of her national breed club, and a member of the Granite State Hunting Retriever Club. Concerns with the bill are ownership of the number of female dogs. She currently has five females, but she does utilize something which is called a co-ownership, which is a legal agreement, but she still has ownership of the dogs, but they can physically reside with another family. These regulations do not make sense to her because her dogs are not raised in a kennel situation, but are raised in her home. She believes that this bill would run very good breeders out of business, stating that her puppies are already expensive enough; she does not need to make them more expensive. She suggests the committee give this bill some long hard thought.

- **Joanne Bourbeau**, (in support) (testimony provided) Northeastern Regional Director for the Humane Society of the United States (HSUS) with more than 11 million members nationwide, including 83,000 residing in the Granite State. Feels she needs to address a few things which were brought up by other people about their role. This bill would create a new subdivision within RSA 437, NH's existing animal sales statute, specifically addressing animal welfare concerns in puppy mills. The HSUS works on this at a national level and has federal legislation pending, and several states passed state laws that put similar minimal care standards in place for large scale puppy mills. She believes we are missing the point of this legislation in that this is intended to address the large scale commercial facilities from coming in to New Hampshire. She believes that the standards of care are reasonable mandates.

- The intent of this bill is to create standards for these large scale operators so that animals can have things like appropriate food, water, shelter, rest, and veterinary care which is a big one.
- The HSUS would support the amendment that Senator Odell introduced, as long as it does not replace the whole section of the bill.
- They are not opposed to dog breeding, they publish guides for people to find a responsible breeder. They point to shelters as the first place to find dogs; 25% of the population in a shelter will be purebred dogs. They point people to go to a purebred rescue groups, and also point people to responsible purebred dog breeders.
 - They would support language that would have a minimum number of staff per animal ratio, i.e., one staff person per 25 dogs, if cap language were not acceptable.
- **Senator White** wanted to know exactly what the initials meant for SPCA, PETA, etc. **Ms. Bourbeau** stated that they were all separate and non-profits with their own Board of Directors and guides for governance. PETA is a National Organization. The SPCA is the oldest non-profit animal shelter in the United States and have their own Board. Shelters are very focused on the issues related to local dog and cat population.
- The HSUS works at the national level on federal legislation and tackles some of the larger problems like puppy mills and hunting issues where many times a shelter might support those issues, but they do not have the time to get more involved.
- In New Hampshire they provide training for local shelters, they do an animal care expo every year, they provide resources to try to help shelters operate more efficiently, but they have no official association with the local shelters.
- **Senator Groen** stated that **Ms. Bourbeau** mentioned cases of cages stacked up and inadequate care. We have heard that current laws address cruelty or inadequate care issues and that they do it quite well. Why do we need this bill if our current laws are adequate? **Ms. Bourbeau** stated that there is a difference between regulation and enforcement. The difference here is that sometimes they get complaints about breeders who might meet somebody in a parking lot with a puppy, and the puppy turns out to be sick, that person might make a complaint about that breeder or that dog, but if that person goes to a house and knocks on the door and they do not allow you in, you are never going to have any information to pursue a criminal case. So, what this bill would do is create regulations so that you would be able to. Right now, large scale breeders do not fall under the Federal Welfare Act because they sell animals directly to the public or over the internet and are not regulated by the USDA, they sort of fall in that gray area where there is no regulation. **Senator Luther** asked if she was saying that we do not have a big problem, but we want to get the piece in place with the commercial organizations that could move in to the state. **Ms. Bourbeau** stated that if New Hampshire is seen as a state that has no regulation, it would be easy for someone to come in to the state and create a large scale commercial facility.

- She understands why you would not want to fix a problem that we do not have, but prevention first is being proactive. On the National scale it is an epidemic, stating that it is very easy to breed dogs and to do it cheaply. These types of people are looking for a quick buck. These are the people that they are trying to regulate, not responsible breeders. **Senator Luther** noted that he was concerned because he has completed a bit of research on HSUS and that "Charity Watch" gave the HSUS a D grade for the last five years in a row as one of the worst managed, saying that they only spend 50% of their budget doing things, and the rest is administration and fund raising which concerns him, and he wonders where her organization is focused. **Ms. Bourbeau** asked that he take a look at their website because she believes it is very transparent as to what they actually do. She stated that the Better Business Bureau gave them very high ratings on their programs and she would state that the information he reviewed was not correct. She will provide Senator Luther with further information about exactly where they spend their dollars and a copy of their budget. **Senator Luther** stated that he saw where they ran in a deficit according to the numbers in their last budget, and that he would like to see the information which she mentioned.

- **Mary Scott**, (in support) Hooksett, New Hampshire, representing herself stating she has never attended a hearing. Noted that she has had Scottish Terriers her whole life, and there is one issue which she believes was not addressed, that being kennels that are licensed that get their dogs from commercial puppy mills outside the state, and do not disclose it.

- In 2009, the State of Pennsylvania passed legislation regulating the puppy mills, (commercial breeders is what they called themselves after she had spoken with a few in Pennsylvania) which went in to effect October 2010. As a result, what happened in Pennsylvania was huge. A large number of dogs were put to sleep, a large number of dogs were sent to auctions in Ohio and Oklahoma, which do not have regulations, and some of these dogs were sent to licensed New Hampshire kennels. She bought a Scottish Terrier from a kennel, which came with an American Canine Association Certificate, a health certificate from a veterinarian, but no one said where the dog had come from or where the parents were. She found that the parents were in Pennsylvania and that they were friends of the owner of the licensed kennel. She found out that her puppy had come from one of the largest puppy mills owned by the Holtz in Pennsylvania. More research found that because the laws changed as to how many animals breeders were allowed to have in Pennsylvania a lot of breeders euthanized hundreds of dogs. **Ms. Scott** was not sure if something could be placed in this legislation which would prevent this from happening in the State of New Hampshire.

- **Lorraine Carey Block** (opposed) from Antrim NH is an active dog musher and a very responsible dog owner of Siberian Husky Sled Dogs, better known as mushers. She believes the bill is well intended to be directed at puppy mills; she believes that would not be the effect of the bill.

She believes that intact dogs are healthier and therefore, they do not leave their dogs intact only for breeding purposes, but also for health reasons. The temperature of between 45 degrees to 85 degrees for housing is way to warm for sled dogs. Ms. Block stated that this legislation will hamper responsible dog people.

The hearing closed at 12:21 pm

Funding:

Future Action: The Committee took the bill under advisement.

DAC

[file: SB0370-FN report]

Date: January 24, 2012

Speakers

SENATE EXECUTIVE DEPARTMENTS AND ADMINISTRATION COMMITTEE

Date: January 19, 2012 Time: 10:45 a.m. Public Hearing on SB 370-FN

SB 370-FN - relative to the breeding of dogs for sale or transfer.

Please check box(es) that apply:

Please check if

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sen Rausch	Dist #19
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep Tara Oad	Chesh I
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAY Phizey Acworth, NH	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Joyce Arivella, Dog owners of Granite State	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. Mary Stewart Gile	
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**SENATE EXECUTIVE DEPARTMENTS AND ADMINISTRATION
COMMITTEE**

3 2

Date: January 19, 2012 Time: ^{10:45} 10:05 a.m. Public Hearing on ~~SB 365-FN~~

~~SB 370~~

³⁷⁰
SB ~~365-FN~~ - authorizing state residents to join the state health care program.

Please check box(es) that apply:

Please check if

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

SPEAKING FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Robin Williams SECRETARY	Self
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Greg Barker	Self
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> GEORGE W. COOK	self
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Angelique McFarland	self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Lorraine Carey Block	North Country MUSEUM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Dr. Crawford	Dept of Agr.
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W

Testimony

#1



State of New Hampshire House of Representatives

Hon. Steven L. Cunningham, O.D. ~ Sullivan County, District 2

State-Federal Relations and
Veterans Affairs
Room 203, Legislative Office Building
Concord, NH 03301

351 Old Springfield Road
- Sunapee, NH 03782
603 763-4359
DrSteveC@live.com

January 17, 2012

RE: SB 370 Position: Support

Chairman, Honorable Committee Members:

Having served 8 1/2 years as a Health Officer, I have frequently run into "puppy mills". As many of these are run "on the cheap", I have encountered them inside homes. The types of people who operate these, in my experience, are not our most urbane citizens. I have found these homes disgustingly filthy. More than 40 animals in the home. Dried feces on telephone receivers, floor grates corroded from urine, deformed and ill animals, and children living in these houses. Before I learned to show up in rubber boots, I have had to throw away fabric boots.

I was able to shut down these "puppy mills" only because of our town ordinances on filth in human quarters. I was also aware of other "puppy mills" not in residences. To keep authorities from being aware of the circumstances, these were tightly closed up, with windows covered and doors locked. No light and ventilation for these animals. Judging from the filth from those mills in homes, I shudder to think of what is inside those buildings.

Please forward SB 370 as Ought To Pass and give these animals the light of day.

Thank you,

Steven Cunningham
New Hampshire State Representative, Sullivan District 2



State of New Hampshire House of Representatives

Hon. Steven L. Cunningham, O.D. ~ Sullivan County, District 2

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Thank you,

Steven Cunningham
New Hampshire State Representative, Sullivan District 2



THE HUMANE SOCIETY
OF THE UNITED STATES

#2

Humane State Ranking 2011: Total Scores

Rank	State	Score out of 66
1	California	46
2	New Jersey	40
2	Oregon	40
4	Illinois	39
4	Massachusetts	39
6	Colorado	38
6	Maine	38
6	Virginia	38
6	Washington	38
10	New York	37
10	Vermont	37
10	District of Columbia	37
13	New Hampshire	36
14	Connecticut	35
15	Florida	34
15	Louisiana	34
15	Maryland	34
18	Michigan	33
19	Arizona	32
20	Pennsylvania	31
21	Iowa	29
21	Nebraska	29
21	Rhode Island	29
24	Tennessee	28
25	Delaware	27
25	Georgia	27
25	New Mexico	27
25	Texas	27
29	Oklahoma	26
30	Nevada	25
30	Wisconsin	25
32	Minnesota	24
33	Kansas	23
33	North Carolina	23
35	Indiana	22
36	Alaska	21
36	Ohio	21
38	Arkansas	20
38	Hawaii	20

Rank	State	Score out of 66
38	Utah	20
38	West Virginia	20
42	Kentucky	19
42	Montana	19
42	Wyoming	19
45	Alabama	18
45	Missouri	18
47	Mississippi	14
48	North Dakota	13
48	South Carolina	13
50	Idaho	9
51	South Dakota	8



THE HUMANE SOCIETY
OF THE UNITED STATES

Humane State Ranking 2011
(Montana through Wyoming, plus DC)

	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY	DC	
ANIMAL FIGHTING																											
Felony penalty for cockfighting	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓				✓		✓	✓	✓		✓	✓	✓	
Felony penalty for a first offense of cockfighting	✓	✓		✓	✓		✓	✓	✓		✓	✓	✓	✓				✓		✓	✓	✓		✓	✓	✓	
Prohibits attending cockfights		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Felony penalties for attending cockfights		✓	✓	✓	✓			✓				✓	✓	✓						✓	✓	✓					✓
Prohibits possessing birds for fighting	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓			✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Felony penalties for possessing birds for fighting	✓	✓	✓	✓	✓	✓			✓		✓	✓	✓	✓						✓	✓	✓		✓	✓	✓	✓
Felony penalties for dogfighting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Felony penalties for possessing dogs for fighting	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Prohibits attending dogfights		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Felony penalties for attending dogfights		✓	✓	✓	✓	✓		✓		✓		✓	✓	✓	✓					✓	✓	✓					✓
Prohibits hog dog fighting	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓		✓
Requires person charged with animal fighting to post a bond to cover the costs of caring for the animals		✓								✓												✓				✓	
ANIMAL CRUELTY																											
Felony penalty for egregious acts of cruelty	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Felony penalty for a first offense of egregious cruelty	✓	✓		✓	✓	✓	✓	✓			✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Counseling required for animal cruelty offenders			✓	✓	✓													✓						✓			

	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY	DC	
Allows courts to include protections for pets in domestic violence orders			✓	✓			✓	✓			✓	✓					✓	✓		✓		✓	✓				
Requires person charged with animal cruelty to post a bond to cover the costs of caring for the animals	✓	✓		✓		✓	✓			✓	✓	✓					✓	✓			✓		✓	✓	✓		
Places limits on the inhumane chaining of dogs			✓															✓		✓	✓		✓			✓	
WILDLIFE ABUSE																											
Prohibits bear hunting		✓								✓			✓					✓									✓
Prohibits hound hunting of bears	✓				✓		✓				✓	✓	✓									✓			✓	✓	
Prohibits hunting bears over bait	✓				✓	✓	✓	✓				✓	✓	✓	✓		✓			✓	✓	✓	✓	✓			✓
Prohibits the trade in bear parts	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓		
Prohibits cougar hunting		✓		✓			✓	✓			✓				✓					✓			✓	✓			✓
Prohibits hound hunting of cougars											✓					✓						✓					✓
Prohibits mourning dove hunting				✓	✓		✓													✓							✓
Includes a partial or full ban on canned hunts, or shooting animals kept in enclosures	✓		✓	✓				✓				✓					✓		✓	✓	✓	✓	✓		✓	✓	
Prohibits shooting animals remotely via the internet		✓		✓	✓	✓	✓	✓			✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	
Prohibits hunting on Sundays				✓	✓								✓									✓					✓
Felony penalty for illegally hunting an endangered species			✓	✓	✓															✓		✓					
Regulates nuisance wildlife control operators			✓	✓		✓	✓	✓		✓	✓	✓	✓	✓			✓	✓			✓	✓	✓	✓			✓
Bans the possession and sale of shark fins				✓								✓										✓					
EXOTIC PETS																											
Prohibits the private possession of big cats as pets		✓		✓	✓	✓						✓						✓		✓	✓	✓	✓				✓

	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY	DC	
Prohibits veal crates for calves										√																	
Phased-In Restrictions on Battery Cages for Laying Hens												√										√					
Prohibits the force feeding of birds for the production of foie gras																											
Includes protections for downed animals too sick or injured to walk					√				√	√	√	√	√							√		√		√			
Includes humane slaughter standards				√						√		√	√	√							√		√	√			
Prohibits tail docking of dairy cows										√																	
FUR AND TRAPPING																											
Prohibits or seriously restricts the use of leghold traps					√										√								√				√ ¹
Requires garments made of animal fur to be labeled					√		√																	√			
Prohibits the use of anal electrocution to kill animals for fur							√																				
Prohibits the use of snares																											√
Prohibits the sale of dog and cat fur					√		√					√	√									√					
PUPPY MILLS																											
Limits the number of breeding dogs confined at large-scale puppy mills												√										√	√				
Requires licensing of puppy mills		√	√	√	√		√	√		√	√		√	√				√	√		√	√			√		√
Requires inspections of puppy mills		√	√	√			√				√		√					√	√			√			√		√
Includes basic humane standards for dogs at puppy mills		√	√	√	√		√	√			√	√	√					√	√		√	√	√		√		√

¹ DC prohibits killing or otherwise taking any wildlife within the District.

	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY	DC	
EQUINE PROTECTION																											
Prohibits the slaughter of horses for human consumption											√							√									
Prohibits the soring of horse's legs																	√				√						
Includes standards for the transportation of horses				√			√						√	√			√	√		√					√		
Prohibits horse tripping, or roping the legs of a galloping horse		√				√					√			√				√									
Total	19	29	25	36	40	27	37	23	13	21	26	40	31	29	16	8	28	27	20	37	38	38	20	25	19	37	

3

New Hampshire
Department of Agriculture,
Markets & Food

Lorraine S. Merrill, Commissioner

January 18, 2012

Honorable Sharon Carson
Executive Departments and Administration Committee, Chair
Room 100, State House
Concord, NH 03301

Dear Chairman Carson and Honorable Committee Members:

Thank you for the opportunity to comment on behalf of the New Hampshire Department of Agriculture, Markets & Food (department) regarding Senate Bill 370 *An act relative to the breeding of dogs for sale or transfer*. The department is opposed to SB 370 as introduced.

The department is not aware of a compelling reason for most of the proposals contained in the bill. Portions of the bill are worthy of discussion. For example, the department believes it is reasonable to encourage all animal owners to provide "necessary veterinary care." In fact, within the existing construct of the law the department requires active veterinary involvement in all pet shops, animal shelters, and commercial kennels. Specifically, Agr 1702.05(e) states, "Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine as follows: (1) Each dog, cat or any other animal shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision, for the purpose of monitoring health, nutrition and well being; and (2) Dogs, cats or any other animals shall be provided with veterinary care or euthanized and legally disposed of, if necessary, if they are: a. Sick or diseased; b. Injured; c. Lamé; or d. Blind." These standards apply to all animals within the facility. The only standard that does not is the production of a health certificate, which is limited to animals that are being transferred to new owners. The department has clearly stated in deliberations on House Bill 325 last session and in messages to veterinarians that within a licensed facility the licensee is required to obtain a veterinarian but the veterinarian is responsible for animal health matters. But the department questions the extension of such a legal requirement to private dog breeders who are not licensees, while exempting every other dog owner.

As well, the department would consider the addition of some defined "adequate rest between breeding cycles" for commercial kennel licensees within the existing statute during the next redraft of the pertinent rules. However, enforcing this standard may be impossible without genetic testing, requiring submission of reports of pregnancy confirmation to the department by a licensed veterinarian, or a great deal more time spent on inspections by department staff. The department does not have the staff to take on this additional workload, which also does not serve a core mission.

As stated on the department website, "The mission of the New Hampshire Department of Agriculture, Markets, and Food is to promote agriculture in the public interest and to serve farmers and consumers in the marketplace."

The division of animal industry has a staff of five – the state veterinarian, one office staff, and three veterinary technicians. The state veterinarian also oversees the state's Animal Population Control

Program, RSA 437-A, and the New Hampshire Board of Veterinary Medicine, RSA 332-B. Among other activities, the division is currently responsible for tuberculosis, brucellosis, avian influenza, and myriad other testing on a rapidly growing number of farms and livestock in the state; acting as the lead state planning and response agent for the State Emergency Operations Plan's Emergency Support Function 11, Agriculture, Cultural, and Natural Resources which also includes pet shelter planning for disasters; developing plans for a state meat inspection program; working with NH Department of Health and Human Services on various issues, as New Hampshire is one of few states that does not presently employ a dedicated public health veterinarian; licensing and inspecting more than 200 pet shops and animal shelters each year; assisting police with animal cruelty investigations across the state; and many other tasks.

There are a variety of unintended consequences which will likely occur with passage of SB 370 that should be considered in your deliberations. Rather than extend this letter, the background and any calculations are addressed in detail in the attachment. In summary:

1. The department does not have the staff to perform any additional work that would be created by this bill.
2. There are potential, significant legal implications to the proposed definition of "pet" that would be detrimental to agriculture in New Hampshire.
3. Conflicts within the bill would make it unenforceable.
4. The ability to address most animal welfare concerns already exists within the New Hampshire statute.

At a time when resources should be focused on supporting and advancing the economic and job-creating benefits of New Hampshire agriculture, SB 370 proposes to add more non-core work to the department's job list, at risk of decreasing the advancement of agriculture.

This is a pattern which has occurred for a number of years and which the department has discussed with the Legislature for the past several years. The department's core missions are agriculture, emergency management, and food safety. There are several other bills before the Legislature that similarly propose to add work to the division without adding personnel – some of it core mission, much of it not. The passage of these bills would leave the department in the unfortunate position of not completing work required by statute. There is a concurrent bill, HB 1327, being heard by the Legislature relative to "official oppression". If HB 1498 and HB 1327 pass, the department would be put in violation of the official oppression standard

Thank you for your time and consideration.

Respectfully,



Stephen K. Crawford, DVM
New Hampshire State Veterinarian

CC: Lorraine S. Merrill, Commissioner
Honorable Bob Odell, Senator

Addendum to SB 370 letter to the NH Executive Departments and Administration Committee

Hearing date January 19, 2012⁷

1. As a general matter, dog breeding is not agriculture, either by statute or convention. And it should not be. As well, the bill does not add personnel to cover the added work nor does it charge a fee to cover the cost of the proposed work. The proposed addition of this task to the New Hampshire Department of Agriculture, Markets, and Food's (department) roster of work continues a pattern which has occurred for a number of years and which the department has discussed with the Legislature for the past several years. Every such job added without the necessary funding and personnel support to complete the work steals from agriculture and the core missions of the department.

2. Section 1, 437:25 proposes to allow the commissioner to enter into an agreement with "any duly appointed agent of any humane society, S.P.C.A. incorporated in the state of New Hampshire, or animal control officer". The department views the use of humane society or SPCA agents as a potential conflict of interest considering both would be in the market of transferring dogs for a fee. The department would consider the use of animal control officers associated with municipalities. The department has been advised that any such designation of any inspection services would require the state to enter into a written agreement with the other party. This is to assure: clarity in the scope of this party's role; training / orientation as necessary; adequate comprehension of the statutory standards; familiarity with the inspection process; rejection of liability assumption by the state for the actions of the inspecting party; and other legal protections for the state as identified by Department legal counsel.

3. It must be presumed that the sponsor or requesting party believes that the existing animal cruelty laws are inadequate to address any animal care concerns covered by this bill. If so, the creation of a new law such as this would generate a number of complaints to which the department would be required to respond. Based on prior experience, it is fair to estimate that there would be at least two unfounded complaints for each legitimate report. If only 1 out of 200 dog owners were covered by this proposal (enough intact dogs and selling at least one pup), the department estimates that this would result in more than 250 complaints per year. Many could be addressed in minimal time, but some may take many hours to address.

These are not core mission areas. Any time spent on administration and enforcement would steal from the support of core mission areas such as agriculture, emergency response, and food safety / public health. The department does not have the staff to perform the work that would be created by this bill.

4. Section 1, 437:23, V proposes to define "pet" in state law as "any domesticated animal normally maintained in or near the household of the owner thereof". By its inclusion, this definition appears intended to include all horses and other livestock, as well as poultry, kept "near the household of the owner". Further, there is no clear definition of "near". There would likely be substantial legal and economic ramifications – loss of tax and zoning benefits to agriculture, conflicts with the legal statutory definition of "agriculture" and "farming", etc.

5. The ability to address most animal welfare concerns already exists within the New Hampshire statute. Specifically, RSA 644:8, IV-a, (a) states "Except as provided in subparagraphs (b) and (c) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been or is being abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order." Subparagraphs (b) and (c) as referenced require the use of a licensed veterinarian for livestock assessments and licensed horse and dog racing facilities. Thus, law enforcement, animal control, and sworn police officers working for humane societies already have the clear authority and ability to intervene in situations with dogs where they believe a problem exists.

6. There are several apparent technical flaws or conflicts in the bill.

- a. 437:23, VI defines "regular exercise" as "constant and unfettered access to an outdoor...area". The absence of a specific amount of time in the definition of "regular exercise" in conjunction with the requirement for "constant and unfettered access to an indoor enclosure" in 437:23, IX means dogs would need 24/7/365 concurrent access to both the outdoors and their indoor enclosure. Presumably this is impossible absent permanent alterations to the homes of affected dog owners. The most likely solution would be the addition of an exterior 'doggie door'. In

addition to the permanent alteration of the owner's property 'doggie doors' allow potential access to the home for wildlife, humans, and inclement weather. Alternatively, affected dog owners would need to make larger infrastructure investments with possible property tax implications.

- b. 437:23, VI, "regular exercise" as defined would prohibit the use of leash walks as adequate because they are neither constant nor unfettered. The definition also requires outdoor space of "at least twice the square footage of the indoor floor space provided to that dog". This would prohibit anyone in an apartment from owning 10 dogs and breeding only a few. It may also impact residents of small lots that would otherwise take their dogs for walks or other exercise.
- c. The bill pertains to ownership of intact dogs over the age of 6 months for the purpose of selling their offspring as "a pet". It is unclear how SB 370 may apply to those persons selling dogs intended for use as working dogs, trial dogs, show dogs, sled dogs, etc. if their housing arrangements would define them as pets in the bill.
- d. 437:23, II mentions "intact sexual organs". Per Webster's, relative to a body or its parts "intact" means "having no relevant component removed or destroyed". As written, SB 370 would prohibit means of sexual sterilization beyond surgical removal of organs as allowable procedures. While none are widely used in small animal medicine currently (e.g. use of exogenous hormones; vaccine-based sterilization; etc.), the technologies are utilized in other animals, and this seems an inappropriate step.
- e. 437:23, VII defines "retail pet store" in a manner inconsistent with existing statute – using the terms "bought, sold...retail sale" versus "transfer". Further, per Webster "retail" means "to sell in small quantities directly to the ultimate consumer", and "sell" is "to give up (property) to another for something of value (as money)". The proposed definition of "retail pet store" as a "retail establishment where pets are bought, sold, exchanged, or offered for retail sale directly to the public...but that does not engage in any breeding" would therefore include all current licensees under RSA 437 save for commercial kennels – pet shops, animal shelters – regardless of what term they apply to the transfer of their animals.
- f. SB370 "is not construed to apply to" most existing licensees under RSA 437, so it is presumed that the definition of "retail pet store" should include all current licensed animal shelters, rescues as described immediately prior. But by its absence in the "not construed" list and exclusion from the "retail pet store" definition, SB 370 appears intended to apply to existing commercial kennels. This would create a second, different set of standards along with the existing standards to which commercial kennel licensees would be beholden. The creation of an additional, and different, standard for one class of licensee will serve to confuse and cause problematic interpretation.
- g. 437:27 uses the terms "apply" and "limit", specifically that the bill "shall not be construed to: *limit* hunting of the ability to breed, raise, or sell hunting dogs"; "shall not be construed to: *apply to*" other entities. "Limit" and "apply to" are not equivalent terms. Based on the use of differential language, the bill is not intended to "limit the ability to breed, raise, or sell hunting dogs" but appears intended to "apply" to them.

-There is a series of technical questions with SB 370 as introduced. Many appear to make the provisions unenforceable or to add confusion to an already challenging system of regulating the transfer of dogs and cats without adding staff to address these areas.

#4

Senate Executive Departments & Administration Committee
January 19, 2012

RE: SB 370: Dog Breeding and Care Requirements
Submitted by Joyce Arivella, President, Dog Owners of the Granite State

My name is Joyce Arivella and I live in New Boston, NH. I am here on behalf of Dog Owners of the Granite State for which I serve as President. Dog Owners of the Granite State (DOGS) is an American Kennel Club affiliated non-profit organization founded in 1991. Our members represent all aspects of pet ownership including kennel clubs, sporting clubs, mushers, hunters, groomers, breeders, trainers, medical professionals and small businesses that offer specialty pet products. I am also a member of the NH Governor's Commission for the Humane Treatment of Animals (although I don't speak for them), Chair of the Performance & Companion Events Committee for the Newfoundland Club of America, a Director on the board of the Tracking Club of Massachusetts and the Newfoundland Club of New England., as well as a member in good standing of Souhegan Kennel Club

SB 370 presents numerous problems for those who responsibly breed and own dogs in New Hampshire. It also poses health and safety risks for the animals that it seeks to protect.

First, the number of dogs kept for the purposes of breeding (437:24, II), the number of female covered dogs (437:24, I) and the age in the definition of covered dog (437:23, II) are arbitrary limits that seem to be different in every state that the proponents have had similar legislation introduced over the past 3 years. What if you were considering a bill that restricted farmers to similar care and breeding restrictions if they had 10 chickens, cows, goats or sheep, for breeding stock? Such a bill would be certainly be deemed a restriction on commerce and be met with strong opposition from the agriculture community.

Secondly, protections for breeding dogs are already available in present law. Dog breeders who sell 10 litters or 50 dogs, which could be as few as 5 litters, are required to obtain a commercial kennel license from the Department of Agriculture after obtaining zoning approval from the town. They are inspected semi-annually by the State Veterinarian. If there were complaints about the condition of the dogs in between inspections, these complaints would be investigated by the State Veterinarian. If the Department's care and condition requirements are not met or the cruelty laws, RSA 644:8a, are violated, the Department has the ability to close the kennel down.

Moreover, all dogs sold by breeders, are required by law to be checked by a licensed veterinarian and to have an Official NH Health Certificate. If a large scale commercial kennel were to move into New Hampshire and not comply with current local and state requirements above and the animals were in poor condition, it could easily be shut down and the dogs and cats removed from the premises.

NH has excellent cruelty laws. Those few who don't follow them are prosecuted. Making more laws will only restrict and overburden good breeders and dog owners. Those who don't care about our current cruelty laws will care even less about more restrictions. There are approximately 167,500 licensed dogs in NH. Yet there were less than 10 cruelty convictions of owners of multiple dogs between 2003 and 2008 according to the survey results listed in Appendix D of the 2008 Cost Analysis of Animal Cruelty in NH report submitted to the Governor from the Governor's Commission for the Humane Treatment of Animals. These convictions are overwhelmingly pet owners, not breeders. Approximately .0067% of all NH dog owners, which includes breeders, are breaking our current cruelty laws.

Just for illustration, the American Kennel Club reports that, between 2007 and 2009, 1360 people in New Hampshire bred 5469 litters. The breakdown for numbers show that 38% bred only 1 litter in that three year period; 35% bred 2 to 3 litters; and only 30% bred more than an average of one litter a year. In 2009 alone, 558 dogs owned by New Hampshire residents earned an AKC title of some sort including 193 conformation championships, 239 Agility titles, 230 Obedience and Rally titles, and one New Hampshire owned and bred dog became only the second dog in the nation to become Versatile Companion Dog Champion which is awarded to any dog that becomes an Obedience Trial Champion (OTCH), a Master Agility Champion (MACH), and is awarded a Champion Tracker (CT) title.

Next, I must comment on 437:25. This states that a duly appointed agent of any humane society or SPCA will be authorized to investigate complaints made pursuant to this section. I want this committee to know that no training is required for animal control officers in NH. Even police officers are not required to meet any standards or have any education in animal husbandry or cruelty. Also, to my knowledge, very few humane society investigators have been deputized. Therefore, they are not trained in law enforcement and do not meet the requirements for law enforcement. If they are not deputized, they should not be trying to enforce the law. They should also not be deputized without the proper training.

Rather than go into detail about numerous other reasons that this bill is inappropriate, I will summarize how SB 370 is a health and safety risk for the animals it seeks to protect.

- The breeding cycle and birthing restrictions are not appropriate for all breeds or all dogs. The American College of Theriogenologists (ACT) states that *"Bitches may be bred on consecutive estrous cycles if they maintain or regain their breed appropriate body condition and are deemed healthy on the basis of veterinarian examination prior to the onset of the next proestrus."*
- The enclosure requirements are not appropriate for all breeds or all dogs. Many boarding kennels, veterinarians and shelters stack dog crates without ill effect.

- The requirement that dogs have “constant and unfettered access” to both indoor and outdoor pose a health and safety risks for many dogs. For instance, a Toy breed outside without a human might be at risk of being attack by a predator.
- The veterinary care standards impose costly requirements on knowledgeable breeders. If the legislature imposed similar restrictions on parents who had more than 9 children, the law would be considered fanatical, impossible to enforce, and a form of harassment on large families.

DOGS supports responsible ownership and breeding practices of all breeds of dogs. Laws are already in place that address many of the problems that would be identified by proper enforcement. The problems that SB 370 seeks to resolve can be addressed with the current NH laws and regulations by the proper officials without taking away the rights of responsible citizens. We hope that you will recommend SB 370 “inexpedient to legislate”. Thank you for your attention to our concerns.

SUBMISSION

WMUR.com

1 Dog Dies, 1 Hurt After Eating Food Laced With Hooks

Related To Story

Police Have No Suspects

POSTED: 10:42 am EST January 14, 2012

UPDATED: 6:35 pm EST January 16, 2012

SOMERSWORTH, N.H. -- A dog owner in Somersworth is devastated after one of her Doberman pinschers was killed and the other hurt after they ate food laced with fish hooks that someone threw in their yard.



"I ran out there with my flashlight, and that's when I found the sausage with the fish hook in it," said the owner, who did not want to be identified.

She rushed the dogs to the veterinarian, and X-rays showed the fish hooks inside the dogs. The older dog, Hunter, underwent surgery first, while Brody waited.

"They finished her surgery and went to get him, and he had already gone into cardiac arrest and he died before he could get surgery," she said.

The loss of her dog Brody was like losing a child. Hunter is now back home.

"I have lived here for over 10 years with my animals and with a fenced-in back yard. You never would expect someone to throw something back there and try to deliberately kill your dogs," she said.

She said in the past someone threw moldy bread in her yard and another time it was chocolate, which made her dogs sick for a week. She believes this was an intentional effort to kill her dogs.

Police have interviewed neighbors but have no suspects. They said it's one of the more vicious animal cruelty cases they've dealt with.

"What motivation would push someone to do this to the dog? If you have a problem with a dog, go to the owner. If you don't feel comfortable going to owner, call your police department," said Somersworth Capt. Russ Timmons.



WMUR/Heather Hamel

The owner now walks her dog outside instead of letting her roam alone in the yard.

"I just want to have whoever did this caught, and I want to do whatever I can to make sure they

are caught, and this doesn't happen to anyone," she said.

Police said the crime is a class B felony, punishable by seven years in prison.

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International Canine Semen Bank, Inc.

ICSB - OHIO CENTER
36400 Center Ridge Road
North Ridgeville, Ohio 44039
(440) 327-8282 • FAX (440) 353-0331
repro@windstream.net

1/15/10

To Whom It May Concern,

The progesterone post ovulation is not influenced by pregnancy/
non-pregnancy. Therefore, the uterus is not benefited by skipping
an estrous cycle as one sees in other species. The uterus ages and
moves towards cystic endometrial hyperplasia and pyometritis due
to lifetime progesterone exposure which is not influenced by
breeding history.

Sincerely,


Robert Hutchison, D.V.M.

RH/mr



Veterinarians Dedicated to Animal Reproduction

Welfare of Breeding Dogs

The American College of Theriogenologists and Society for Theriogenology promote the breeding of healthy, genetically superior dogs to maintain a diverse canine population that meets the needs of society for companion dogs and working dogs. The College and Society support practices to promote optimal health of all breeding dogs. Purpose-bred dogs are maintained subject to regulation by institutional and government agencies, while similar guidelines for non-institutional breeders are lacking. This position statement refers to care and management of breeding of dogs intended for personal ownership. It is the position of the ACT and SFT that:

- Animals must be provided water, food, proper handling, health care, and environments appropriate to their species and use, and should be cared for in ways that prevent and minimize fear, pain, distress, and suffering.
- Specifically, all breeding animals should be housed in clean, properly sized facilities that permit them to express normal behavior, include environmental enrichment, and are appropriate for stage of life. Male and female dogs may be co-housed in social units except for those times when bitches are in estrus. Specific attention to individual temperament to avoid inter animal aggression is required. Regular observation of and interaction with dogs by handlers must occur.
- Dogs should have access to a balanced diet that is appropriate for their life stage and fed to them in a manner that will permit them to maintain a body condition score (BCS) of 4 or 5 out of 9, excepting certain breeds of

dogs such as sight hounds that are naturally lean in body type. Fresh water should be available. Dogs should have routine health care and disease prophylaxis including regular veterinary examination, vaccination, internal and external parasite control, dental care and coat care when applicable.

- Dogs intended for breeding should be evaluated for hereditary disorders before being bred. Owners of breeding dogs should develop a breeding plan with a veterinarian to minimize or eliminate production of puppies with hereditary defects.
- All dogs intended for breeding should be appropriately tested for canine brucellosis to prevent spread of this disease. At a minimum, both members of a breeding pair should be tested prior to each breeding. All dogs intended for breeding should be regularly tested for canine brucellosis, either at the time of breeding or every six months.
- Intact male dogs should be regularly evaluated by a veterinarian for prostate and testicular disease. Bitches should be regularly evaluated by a veterinarian for pyometra and mammary neoplasia. Decisions about when to spay or castrate individual dogs and bitches no longer intended for breeding should be made with the counsel of a veterinarian.
- Bitches should not be bred before they are physically mature and should not be bred on the first estrous cycle without the advice of a veterinarian. Bitches may be bred on consecutive estrous cycles if they maintain or regain their breed appropriate body condition and are deemed healthy on the basis of veterinarian examination prior to the onset of the next proestrus.

- Bitches approaching or exceeding the critical age at which reproductive efficiency for their breed or type declines and pregnancy-associated risks increase should not be bred without the counsel and advice of a veterinarian.

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Montgomery, AL 36109-3007
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SB 370
#5

Subj: SB 370 Problems
Date: 1/17/2012 6:24:48 P.M. Eastern Standard Time
From: Impcolly@aol.com
**To: Sharon.carson@leg.state.nh.us, fenton.groen@leg.state.nh.us, sylvia.larsen@leg.state.nh.us,
jim.luther@leg.state.nh.us, raymond.white@leg.state.nh.us, Kathryn.Cummings@leg.state.nh.us,
Bob.odell@leg.state.nh.us**

Barbara Schwartz
 2 Parker Lane
 Hollis, NH. 03049
 Collie Breeder for 50 years (40 of which while living in above address)
 AKC Delegate
 AKC Judge since 1970
 Originator of Collie Club of America and Chairman for 20 years
 One of the original members of the Collie Club of America Health Foundation
 Member of the AKC Health Foundation
 Member of Dog Owners of the Granite State since its inception
 Director At Large and Chairman of the CC of A Legislation Committee

I am against SB 370 for several reasons: The Primary One that the Bill is unneeded. New Hampshire presently has the most protective and progress state laws in the country and is being used as a model for many other states. It offers the most protection for animals and protection for those who obtain animals from breeders who live in this state.

Much of the items in this bill were deemed unnecessary many times by the NH legislative body of this state over the last five years. The Humane Society of the United States has been trying to undo our laws through it's paid lobbyists. The HSUS is currently being investigated by the IRS and the Attorney General of the USA. The misleading advertisements make one believe that it is a Charitable Organization, but in truth only 1/2 of 1% of the money collected annually is spent on the animals. They are now being investigated for being an unregistered Lobby. It supports No local Humane establishments It spends the bulk of the collected funds on lobbying, salaries and pensions .

This bill would empower agents of Humane Societies or SPCA's to investigate Complaints on private property without proper Warrants or verification that the complaints are valid. In many states, this has led to improper seizures and subsequent sale of these animals (that benefits the instigating organizations) before any hearings were held. This is a violation of the Constitution. Many times when the hearings were held and the charges were proven untrue, the animals had been dispersed and sold.

Another the requirements for breeding listed in this law are antiquated. Dr. Robert Hutchenson DVM, who is the most respected reproductive veterinarian in the country .says that no female dog should be bred before 2 years of age. Then once her conitriion is evaluated, she should be bred on two consecutive seasons. Followed by skipping one. This has proven to be the best for the health of the dog and her puppies.

The most Dangerous aspect of this bill would limit the number of unneutered dogs (male and Female) one could have on their property and that this would include any female over 4 months of age. All of the research that has been done over the last eight years has shown the neutering of dogs especially before it reaches maturity is detrimental to the health of the animal and can lead to a earlier death.

The Risks in male and female :

3-4 times risk of bone cancer if sterilized before maturity (dog finished growing)
 Greater risk of hip dysplasia if sterilized before 6 months
 Greater risk of ACL ruptures if sterilized before maturity
 Risk of uneven bone growth that may lead to altered conformation and increases stress on bones and joints if sterilized before maturity.

The Risks In Females:

2-5 times greater risk of blood-Vessel cancer of heart or spleen (hemangiosarcoma)
 Greater risk of urinary-tract infections caused by immature genitalia
 Greater risk of urinary incontinence, especially if spayed before 3 months (In my breed we have found that age of spaying does not deter the occurrence of incontinence if the female is given a complete hysterectomy.)
 Greater risk of hypo-thyroids.

The Risks in Males

Nearly Doubles risk of blood-vessel cancer of the heart.
 Increases risk of Prostate cancer

There are many other aspects of this law that are problems ie. the kenneling of all breeds of dogs in the same ambient environment, The requirements for housing a Chihuahua and a Siberian Husky are not the same. The need for exercise is breed specific. A Pekingese and a Collie need different requirements.

The laws this state has for the protection of dogs are wonderful. This law is unenforceable and is dangerous and unhealthy for the animals

Yours truly,
Barbara Schwartz



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Early Spay-Neuter Considerations for the Canine Athlete

One Veterinarian's Opinion

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Those of us with responsibility for the health of canine athletes need to continually read and evaluate new scientific studies to ensure that we are taking the most appropriate care of our performance dogs. This article provides evidence through a number of recent studies to suggest that veterinarians and owners working with canine athletes should revisit the standard protocol in which all dogs that are not intended for breeding are spayed and neutered at or before 6 months of age.

Orthopedic Considerations

A study by Salmeri *et al* in 1991 found that bitches spayed at 7 weeks grew significantly taller than those spayed at 7 months, who were taller than those not spayed (or presumably spayed after the growth plates had closed).(1) A study of 1444 Golden Retrievers performed in 1998 and 1999 also found bitches and dogs spayed and neutered at less than a year of age were significantly taller than those spayed or neutered at more than a year of age.(2) The sex hormones, by communicating with a number of other growth-related hormones, promote the closure of the growth plates at puberty (3), so the bones of dogs or bitches neutered or spayed before puberty continue to grow. Dogs that have been spayed or neutered well before puberty can frequently be identified by their longer limbs, lighter bone structure, narrow chests and narrow skulls. This abnormal growth frequently results in significant alterations in body proportions and particularly the lengths (and therefore weights) of certain bones relative to others. For example, if the femur has achieved its genetically determined normal length at 8 months when a dog gets spayed or neutered, but the tibia, which normally stops growing at 12 to 14 months of age continues to grow, then an abnormal angle may develop at the stifle. In addition, with the extra growth, the lower leg below the stifle likely becomes heavier (because it is longer), and may cause increased stresses on the cranial cruciate ligament. In addition, sex hormones are critical for achieving peak bone density.(4) These structural and physiological alterations may be the reason why at least one recent study showed that spayed and neutered dogs had a higher incidence of CCL rupture.(5) Another recent study showed that dogs spayed or neutered before 5 1/2 months had a significantly higher incidence of hip dysplasia than those spayed or neutered after 5 1/2 months of age, although it should be noted that in this study there were no standard criteria for the diagnosis of hip dysplasia.(6) Nonetheless, breeders of purebred dogs should be cognizant of these studies and should consider whether or not pups they bred were spayed or neutered when considering breeding decisions.

Cancer Considerations

A retrospective study of cardiac tumors in dogs showed that there was a 5 times greater risk of hemangiosarcoma, one of the three most common cancers in dogs, in spayed bitches than intact bitches and a 2.4 times greater risk of hemangiosarcoma in neutered dogs as compared to intact males.(7) A study of 3218 dogs demonstrated that dogs that were neutered before a year of age had a significantly increased chance of developing bone cancer.(8) A separate study showed that neutered dogs had a two-fold higher risk of developing bone cancer.(9) Despite the common belief that neutering dogs helps prevent prostate cancer, at least one study suggests that neutering provides no benefit.(10) There certainly is evidence of a slightly increased risk of mammary cancer in female dogs after one heat cycle, and for increased risk with each subsequent heat. While about 30 % of mammary cancers are malignant, as in humans, when caught and surgically removed early the prognosis is very good.(12) Luckily, canine athletes are handled frequently and generally receive prompt veterinary care.

Behavioral Considerations

The study that identified a higher incidence of cranial cruciate ligament rupture in spayed or neutered dogs also identified an increased incidence of sexual behaviors in males and females that were neutered early.(5) Further, the study that identified a higher incidence of hip dysplasia in dogs neutered or spayed before 5 1/2 months also showed that early age gonadectomy was associated with an increased incidence of noise phobias and undesirable sexual behaviors.(6) A recent report of the American Kennel Club Canine Health Foundation reported significantly more behavioral problems in spayed and neutered bitches and dogs. The most commonly observed behavioral problem in spayed females was fearful behavior and the most common problem in males was aggression.(12)

Other Health Considerations

A number of studies have shown that there is an increase in the incidence of female urinary incontinence in dogs spayed early (13), although this finding has not been universal. Certainly there is evidence that ovarian

hormones are critical for maintenance of genital tissue structure and contractility.(14, 15) Neutering also has been associated with an increased likelihood of urethral sphincter incontinence in males.(16) This problem is an inconvenience, and not usually life-threatening, but nonetheless one that requires the dog to be medicated for life. A health survey of several thousand Golden Retrievers showed that spayed or neutered dogs were more likely to develop hypothyroidism.(2) This study is consistent with the results of another study in which neutering and spaying was determined to be the most significant gender-associated risk factor for development of hypothyroidism.(17) Infectious diseases were more common in dogs that were spayed or neutered at 24 weeks or less as opposed to those undergoing gonadectomy at more than 24 weeks.(18) Finally, the AKC-CHF report demonstrated a higher incidence of adverse reactions to vaccines in neutered dogs as compared to intact.(12)



I have gathered these studies to show that our practice of routinely spaying or neutering every dog at or before the age of 6 months is not a black-and-white issue. Clearly more studies need to be done to evaluate the effects of prepubertal spaying and neutering, particularly in canine athletes.

Currently, I have significant concerns with spaying or neutering canine athletes before puberty. But of course, there is the pet overpopulation problem. How can we prevent the production of unwanted dogs while still leaving the gonads to produce the hormones that are so important to canine growth and development? One answer would be to perform vasectomies in males and tubal ligation in females, to be followed after maturity by ovariectomy in females to prevent mammary cancer and pyometra. One possible disadvantage is that vasectomy does not prevent some unwanted behaviors associated with males such as marking and humping. On the other hand, females and neutered males frequently participate in these behaviors too. Really, training is the best solution for these issues. Another possible disadvantage is finding a veterinarian who is experienced in performing these procedures. Nonetheless, some do, and if the procedures were in greater demand, more veterinarians would learn them.

I believe it is important that we assess each situation individually. For canine athletes, I currently recommend that dogs and bitches be spayed or neutered after 14 months of age.

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Ovaries & Longevity

Exploring sex differences in healthspan

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A Healthier Respect for Ovaries

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 Director, Center for Exceptional Longevity Studies
 Gerald P. Murphy Cancer Foundation

A recent study by my research group appearing next month in *Aging Cell* reveals shortened longevity as a possible complication associated with ovary removal in dogs (1). This work represents the first investigation testing the strength of association between lifetime duration of ovary exposure and exceptional longevity in mammals. To accomplish this, we constructed lifetime medical histories for two cohorts of Rottweiler dogs living in 29 states and Canada: Exceptional Longevity Cohort = a group of exceptionally long-lived dogs that lived at least 13 years; and Usual Longevity Cohort = a comparison group of dogs that lived 8.0 to 10.8 years (average age at death for Rottweilers is 9.4 years). A female survival advantage in humans is well-documented; women are 4 times more likely than men to live to 100. We found that, like women, female Rottweilers were more likely than males to achieve exceptional longevity (Odds Ratio, 95% confidence interval = 2.0, 1.2 - 3.3; $p = .006$). However, *removal of ovaries during the first 4 years of life erased the female survival advantage*. In females, this strong positive association between ovaries and longevity persisted in multivariate analysis that considered other factors, such as height, adult body weight, and mother with exceptional longevity.

In summary, we found female Rottweilers who kept their ovaries for at least 6 years were 4.6 times more likely to reach exceptional longevity (i.e. live >30 % longer than average) than females with the shortest ovary exposure. Our results support the notion that how long females keep their ovaries determines how long they live.

In the pages that follow, I have attempted to frame these new findings in a way that will encourage veterinarians to venture beyond the peer-reviewed scientific text and data-filled tables of *Aging Cell* to consider the pragmatic, yet sometimes emotionally charged implications of this work. Call it a primer for the dynamic discussions that will undoubtedly take place, not only between practitioners and pet owners, but also within the veterinary profession. Call it a wake-up call for how little veterinarians have been schooled in the mechanistic nuts and bolts underlying the aging process. Call it an ovary story.

Do ovaries really promote longevity? Observed associations between exposures and outcomes may not necessarily be causal, so we explored alternative, non-causal explanations for the association between ovaries and exceptional longevity in our study. But we found no evidence that factors which may influence a pet owner's decision on age at ovary removal — for example, earlier ovariectomy in dogs with substandard conformation or delayed ovariectomy to obtain more offspring in daughters of long-lived mothers — could adequately account for the strong association.

There is another aspect of our data pattern that gives us further confidence that ovaries really do matter when it comes to successful aging. A simple explanation for the observation that ovaries promote longevity would be that taking away ovaries increases the risk for a major lethal disease. In Rottweilers, cancer is the major killer. We found, however, that by conducting a subgroup analysis that excluded all dogs that died of cancer, the strong association between intact ovaries and exceptional longevity persisted. After excluding all cancer deaths, females that kept their ovaries the longest were 9 times more likely to reach exceptional longevity than females with shortest ovary exposure. *Thus, we observed a robust ovarian association with longevity that was independent of cause of death, suggesting that a network of processes regulating the intrinsic rate of aging is under ovarian control*. This work positions pet dogs, with

their broad range of lifetime ovary exposure, to become biogerontology's new workhorse for identifying ovary-sensitive physiological processes that promote healthy longevity.

Interestingly, our findings in dogs surface just as data from women are calling into question whether those who undergo hysterectomy should have ovary removal or ovary sparing. In fact, our results mirror the findings from more than 29,000 women in the Nurses' Health Study who underwent hysterectomy for benign uterine disease (2). In that study, the upside of ovariectomy — protection against ovarian, uterine, and breast cancer — was outweighed by increased mortality from other causes. As a result, longevity was cut short in women who lost their ovaries before the age of 50 compared with those who kept their ovaries for at least 50 years. Taken together, the emerging message for dogs and women seems to be that when it comes to longevity, it pays to keep your ovaries.

But before we all go out and buy T-shirts with some romantic imperative like "Save the Ovaries", perhaps we should step back and consider the following question: Why haven't previous dog studies called our attention to this potential downside of ovariectomy? Reviewing the literature, an answer quickly bubbles up. No previous studies in pet dogs have rigorously evaluated the association between ovaries and longevity. Two frequently cited reports (3,4) provide limited guidance because: (1) longevity data are presented as combined mean age at death for a relatively small number of individuals of more than 50 breeds of different body size and life expectancy; and (2) ovarian status is reported as "intact" or "spayed", rather than as number of years of lifetime ovary exposure. Comparing female dogs binned into the categories of "intact" versus "spayed" introduces a methodological bias that might lead one to conclude that ovaries adversely influence longevity, i.e. ovary removal promotes longevity. Because the reasons for ovariectomy (e.g., uterine infection, mammary cancer) increase with increasing age, it is expected that a large percentage of the oldest-dogs are binned as "spayed" despite having many years of ovary exposure. For example, a dog who at age 12 undergoes ovariohysterectomy for pyometra would be binned as "spayed", despite 12 years of ovary exposure. In our study, we employed a more stringent study design — restricting the study population to AKC registered, pure-bred dogs of one breed, carefully quantitating the lifetime duration of ovarian exposure — in order to lessen the likelihood of such bias. And we reasoned that studying veterinary teaching hospital-based populations of dogs with artifactually low life expectancies (for example, 3.5 years is median age at death for Rottweilers in the Veterinary Medical Data Base)(5) was an inappropriate vehicle to describe the influence that ovaries have on aging. So we cast a wider net and collected data from Rottweiler owners nationwide, focusing our attention on exceptional longevity, not average age at death, as our study endpoint.

Why study exceptional longevity? Why not average longevity? We thought studying the most exceptionally long-lived individuals would tell us something about what it takes to age successfully. It's the same rationale used by Thomas Perls and investigators of the New England Centenarian Study (6) and by other scientists who study long-lived humans in other parts of the world (7). The approach even garners support from the mathematical field. In a seminal book on the origins of creative genius, the mathematician Jacques Hadamard wrote: "In conformity with a rule which seems applicable to every science of observation, it is the exceptional phenomenon which is likely to explain the usual one." (8) Hadamard was trying to understand how the brain gets creative so he studied people with extreme creativity. When it comes to studying aging, we're solidly in the Hadamard camp. That is why in 2005 we established the Exceptional Longevity Data Base, launching the first systematic study of the oldest-old pet dogs (9). But folks in the opposing camp might justifiably fire back: "Don't study extreme longevity. Extreme longevity is much more about luck than it is about genes, or environment, or ovaries."

So to address the possibility that the "strangeness" or outlier nature of dogs with exceptional longevity could be forging a misleading link between ovaries and longevity, we studied a separate cohort of Rottweiler dogs. This data set was comprised of 237 female Rottweilers living in North America that died at ages 1.2 to 12.9 years — none were exceptionally long-lived. Information on medical history, age at death, and cause of death was collected by questionnaire and telephone interviews with pet owners and local veterinary practitioners. In this population, we found females that kept their ovaries for at least 4.5 years had a statistically significant 37% reduction in mortality rate (1). This translated into a median survival of 10.4 years for females with more than 4.5 years of ovary exposure — 1.4 years longer than the median survival of only 9.0 years in females with shorter ovary exposure ($p < 0.0001$). *Taken together, if you take out ovaries before 4 years of age you cut longevity short an average of 1.4 years and decrease the likelihood of reaching exceptional longevity by 3-fold.*

Up to this point, my ovary story has centered around a summarizing of methodologies and results. The reader has been given opportunity to see the gist of our findings within the context

of previous dog studies and late-breaking studies in women. Now, let us pivot our attention a bit away from the results to focus on the recipients of these results — DVMs and pet owners.

We can start by tackling the question: Just how receptive will DVMs be to these new research findings? It's hard for old dogs to learn new tricks. But one thing is sure — blossoming change is rooted in real communication. The anthropologist Gregory Bateson wrote: "The pre-instructed state of the recipient of every message is a necessary condition for all communication. A book can tell you nothing unless you know 9/10ths of it already." (10). I call this "Bateson's Rule of the 9/10ths". If Bateson is right, then we will want to do something about the pre-instructed state of veterinarians. Because when it comes to the biology of aging, the state is virtually a blank slate. None of us received training in the biology of aging as part of our DVM curriculum — whether we graduated 30 years ago or last summer. Therefore, most DVMs are ill-prepared to receive messages examining the mechanistic underpinnings of the aging process. A Batesonian prescription for positive change would be to ratchet up the biology of aging IQ of practicing veterinarians. We agree. That is why we established the first gerontology training program for veterinarians in 2007 (11). We believe that by helping veterinarians "know" more about aging, they will be more able and more receptive to communicating the things that promote healthy longevity in their patients — things like preserving ovaries.

For certain, DVMs will be asked by pet owners to help them make their decision about age at spay in light of this new information. The question will be asked: Just how generalizable are these findings in Rottweilers to other segments of the pet dog population? It is impossible to say at this time. It will demand further study. Alas, 10 years from now, we might just find out that a longevity-promoting effect of ovaries in dogs is limited — limited to large breeds, urban but not rural dogs, or only those individuals with particular polymorphisms in insulin-like growth factor-1. These restrictions should not only be expected, they should be celebrated. It will mean that we have looked more deeply into how ovaries might influence healthy longevity. It will mean that our initial findings have been contextualized. And it is this contextualization of information that marks scientific progress — the kind of progress that guides sound clinical decision making. For it is context that determines meaning (12).

Our provocative findings in *Aging Cell* mean that it's time to re-think the notion that taking away ovaries has no significant downside to a dog's healthy longevity. Perhaps it would help us if we thought of lifetime ovary exposure as information — information that instructs the organism. Just how long and how healthy a female lives reflects what her cells, tissues, and organs thought they heard from the message received. Of course in biology, there is no single message but a symphony of messages, enabling each individual to successfully respond to environmental challenges. Our findings suggest that ovaries orchestrate that symphony. Taking away ovaries in early or mid-life makes for muddled information, less than perfect music.

Information muddling can ensnarl decision-making. Our research takes an important first step toward disentangling the thinking about ovaries and longevity. We must never be paralyzed by the incompleteness of our knowledge. Our knowledge will always be incomplete — subject to revision, primed for further inquiry. This uncertainty, although invigorating for the investigator, is often painful for the practitioner who seeks simple, fact-driven algorithms to guide his action. Just as scientists will be called upon to forge ahead with their scientific inquiries, so too will practitioners be counted on to master the uncertainty. Together, we must navigate what the Danish philosopher-theologian Soren Kierkegaard called the gap "between the understanding and the willing." That is, we must ask the right questions and make smart choices so that our action (the willing) is in synch with our knowledge (the understanding). Under just what circumstances will a particular individual benefit from specific lifestyle decisions? This is perhaps the most prescient, overarching question in the wellness and preventive medicine fields facing both human and veterinary health professionals today. How can we promote healthy longevity? Antioxidant supplementation or calorie restriction? Ovary removal or ovary sparing?

Undoubtedly, there will be protagonists and antagonists in this ovary story. The protagonists will be open-minded to following a new script. They will embrace the idea of ovary sparing for critical periods of time to maximize longevity. They might even recognize the need for some sort of "ovarian mimetic" in spayed dogs to optimize healthy aging. The antagonists in this story — the defenders of the old script — will dismiss as trivial the notion that ovaries regulate the rate of aging and influence healthy longevity. Lines will be drawn and opinions will fly. But *that's what healthy debate is* — antagonists and protagonists keeping a high priority issue front and center, not allowing it to fade into the woodwork. It would seem that, in light of the new scientific findings, a contemporary dialogue should balance the potential benefits of elective ovary removal (13) with its possible detrimental effects on longevity.

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To the members of the Senate Executive Departments and Administration Committee ,

I believe SB 370 is badly misnamed and a more appropriate name for this bill would be Eliminating Dog Breeders as Small Businesses in the State of NH, because that is what this bill appears to be about, not animal welfare, and not animal cruelty.

There are many areas where this bill is faulty but I'm going to stick with reviewing the definitions area and asking questions that I feel should be asked by everyone about this bill.

There appear to be some extremely faulty assumptions made in the definitions area numbered 437:23

- D) The concept that a dog needs 'rest' between raising litters is scientifically incorrect. Humans have designed, by selection, for domestic animals to have maximum fertility. In dogs this includes approximately two heat cycles per year's time. Studies done, by specialists in animal reproduction, of the dog's reproductive system show there are detrimental changes to the womb if the dog 'rests' between litters. Production of a litter helps to keep the womb lining healthy. The health of the dam is important but by innate design the dogs are ready and able to produce a litter each heat. Enforcing a rest between litters actually reduces the ability of a dog to carry future litters and increases chances of uterine infection.
- II) ✕ The definition of a 'covered dog' includes hybrids which appears to permit the breeding of wolf crosses for sale, a violation of RSA 466-A:3 as 466-A:1 III. as "Hybrid" in our laws means an offspring of 2 animals of different species or genera.
- III) "Debarking" this surgery is already covered under current law.
- IV) ✕ "Necessary Veterinary Care" considered to be "prompt treatment of any illness or injury by a licensed veterinarian" is a burden on a breeder the same as it would be on any pet owner. Rather than seeking veterinary care many times you try home care first and then seek veterinary care as or if needed. Much the same is done by parents of children. Why would this common practice be forbidden only to certain dog breeders? I am not convinced that only a veterinarian can humanely euthanize an animal. I am convinced that the toxic chemicals spreading into the ground from burying pets after veterinary euthanasia can become a problem.
- V) "Pet" as defined is overly broad and could include livestock. I have a hard time viewing livestock as pets under the law and they are often kept 'near' the home and in some cases in a home when nursing newborn livestock along.
- VI) Unfettered access to the outdoors 24 hours a day is unnecessary. I can't imagine any neighbor of a breeder being pleased with that rule. That sort of access to the outdoors is completely unsafe for elderly and ill dogs or baby pups and could become deadly to them.
- VII) This definition appears to make any shelter or rescue into a retail pet store, a designation I'm not sure they would appreciate.
- VIII) Continuous access to water is not safe for many dogs and is not needed. Dogs do need adequate regular water intake for their needs but with some breeds continuous and unregulated access to water could bring on deadly bloat and such access to water definitely impedes housebreaking efforts.

- IX) Unfettered access to an indoor enclosure would eliminate using a dog house for any dog that is confined by a tie out (a requirement under NH law).
The temperature range listed means that not only would dogs require amenities not available to all NH citizens but that you could never have dogs naturally acclimatized to their outdoor environment. That can lead to health issues. If followed as written, then once again baby pups might die, as might adult dogs.
Many breeders keep newborn pups in areas kept above 85 degrees as pups are not able to control their own body temperatures when first born and can die if chilled. Other breeders keep their dogs in full natural coat by not exposing them to warm temperatures.
Stacking crates is not animal cruelty. It is done in shelters, rescues, vet offices, grooming shops, and pet stores, and is unfairly forbidden by this bill only to certain breeders. The only objection to crate stacking seems to involve lack of upkeep of the crates only.
- X) C-sections are covered under current law. You deliver pups not dogs.
- XI) Vets are not trained to dock tails and as a result they often do it very poorly. That impacts the choice on who does the docking. Not everyone wishes to expose newborn pups to the dangers of a trip to the vet office and timing of docking depends on the pup's health.
Not everyone does surgical docking, some use banding a process that is the same as the one used in humans to remove excess digits in newborn humans.
Most veterinarians refuse to dock until pups are 5-7 days old. Use of this bill's required anesthesia in neonatal puppies would be a death sentence for the pups.

If this law was about animal welfare then shelters, rescues, pet stores, boarding kennels and certain types of breeders would not be exempted from it.

If this law was about animal welfare then all pet owners would have to follow it.

I do wonder why only female dogs are a concern. Doesn't it take two sexes to create puppies? It looks like I could own 100 stud dogs and sell the pups given back in payment for service without being forced to do any of the things listed in this bill.

Why is this care level limited only to people who have female dogs 'for the purpose of breeding'? If the care level is about cruelty then why is it limited to only one sort of breeder and no one else?

Why is this limited to people who 'sell offspring' for use as a pet? Are pups sold for other purposes somehow different?

Who can tell what anyone else's intent or purpose is for owning any animal? What if I have 10 female dogs and intend only to breed two of them ever? At what point does the number 10 for breeding come into play? When they have all been bred or before that just by owning them?

Why does this bill mandate care standards that will kill puppies?

Why are only breeders limited in the number of dogs they can own? Isn't that a restriction of trade?

Why should anyone be investigating complaints without any proof of the complaints having a valid foundation? Why would untrained people with no law enforcement background be allowed to run investigations? Doesn't this simply amount to harassment of a segment of the NH population?

This is in my opinion a bad bill. It's bad for dogs and could even be deadly for some of them, it is bad for breeders who will have to give up raising dogs as house pets to meet the requirements, it is bad for those people in NH who wish to purchase a pup bred locally instead of a random unknown background dog from out of state. The only groups I can see it being good for are the groups that are importing dogs for resale at tremendous profit here in NH.

After examination and consideration, to me the intent of this bill appears to be about control of the market for dogs as pets and elimination of local breeders as competition to animal shelter sales, as well as to permit harassment of any breeder of dogs, by untrained people, based on vague 'complaints'.

I don't think this sort of discriminatory, inaccurate legislation is something suitable to push forward in the Live Free or Die state.

I believe this bill should be voted inexpedient to legislate.

Sincerely,

Nancy Holmes
51 Weare Rd
New Boston, NH 03070

SB 370
ED: A

Source http://www.vasg.org/neonatal_pediatric_management.htm

Veterinary Anesthesia & Analgesia Support Group

Practical Information for the Compassionate Veterinary Practitioner

Bob Stein December, 2004

1) RECOMMENDATIONS

a) General Approach

- i) Patients under 12 weeks of age are considered at higher risk during anesthetic events
- ii) They possess little cardiac reserve
 - (1) These patients are much more dependent on heart rate for cardiac output
- iii) They have an increased oxygen requirement and very small airways making for an increased overall risk of hypoxia
- iv) They are more prone to hypothermia
- v) They generally require lower doses of sedatives, tranquilizers, and injectable anesthetics
 - (1) Renal and hepatic functions are not yet mature and will delay drug clearance
- vi) The use of NSAIDs in patients under 12 weeks is generally discouraged
- vi) They are prone to hypoglycemia

Provided by Nancy Holmes

Source http://www.everythinggolden.com/new_page_195.htm

“The experts all seem to agree that the least healthy approach for a breeding bitch is to skip heat cycles and keep the bitch unbred. This is not only Dr. Hutchinson's philosophy as Dr. Threlfall at Ohio State Univ. teaches the same thing (my husband just attended a Cont. Ed seminar on Canine Repro earlier this year at OSU). This is NOT new information, either. I was reading Dr. Billinghurst's book GROW YOUR PUP WITH BONES, which addresses the health of puppies as well as their parents and reproductive issues. This is not a new book (maybe 10 years old?). He states the same thing. Canines are meant to be pregnant on every heat cycle.

As Dr. Hutchinson explains it in his seminars, the hormones are the same and the bitch goes through the same changes whether they are bred or not. So when the hormones 'do their thing' to a uterus that does not have pups, it is "hammered" (his term) by the hormones and causes aging and thickening which makes the uterine lining less conducive to implantation and more prone to infection over time. The recommendation is to breed them young, breed on every heat cycle until you are done, then spay them. THAT is the healthiest scenario for your breeding bitch. While Dr. Threlfall and Dr. Hutchinson don't see eye to eye on some issues, this one they completely agree on. I have to wonder if anyone has found a vet knowledgeable on repro issues who states otherwise

Yet there are still people who refuse to believe this advice. I have often wondered about the practice of condemning back-to-back breedings. I wonder if it stems from the way bitches blow their coat post weaning which may lead people to feel the bitch is not recovering well. I know that our girls blow their coat at the same time they would after being in heat (about 4 months) whether bred or not, but the post puppy coat loss is usually more. I suspect that this appearance made people believe that the bitch was completely run down and it "was hard on her" having the pups. “

Veterinarians mentioned in above article are:

Dr. Hutchison DVM who is the director of the International Canine Semen Bank - Ohio, a canine frozen semen center which he started in 1984. He sees patients from all over the world and speaks nationally and internationally to veterinary and breeder groups. Dr. Hutchison has published numerous articles, authored textbook chapters on canine reproduction, and has produced DVDs on dog breeding and neonatal care, which are available at Animal Clinic Northview.

Dr Threlfall is a certified specialist in animal reproduction by The American College of Theriogenologists. He professor at Ohio State University and presents lectures on Theriogenology (reproduction) as continuing education and to breeders of many types of animals. He is also the author of many articles and texts on the topic.

I have attended lectures given by Dr Hutchinson and learned that the progesterone hormone does harm the uterus and that dogs are designed by nature to be pregnant twice a year.





THE HUMANE SOCIETY OF THE UNITED STATES

#7

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Testimony by: Joanne Bourbeau

In Support of: SB 370, An Act Relative to the Breeding of Dogs for Sale or Transfer

Committee: NH Senate Executive Departments and Administration

Date: January 19, 2012

My name is Joanne Bourbeau, and I am the Northeastern Regional Director for The Humane Society of the United States (HSUS). The HSUS is the nation's largest animal protection organization, with more than 11 million members and supporters nationwide, including more than 83,000 residing in the Granite State. I would like to submit this written testimony in support of SB 370.

This bill would create a new subdivision within RSA 437, NH's existing animal sales statute, to specifically address animal welfare concerns in puppy mills. Puppy mills are large-scale commercial dog breeding operations that mass-produce puppies for retail sale directly to the public, in pet stores and over the Internet. Focused solely on making a profit, these facilities commonly keep dogs in crowded, filthy conditions where they receive little or no socialization, affection, or exercise. The father and mother dogs at puppy mills – called "breeding stock" by the operators – endure a lifetime of suffering. They must live in small crates or cages, where they churn out litter after litter of puppies. They receive little or no socialization and often exhibit severe behavioral and genetic abnormalities.

Public scrutiny of dog-breeding operations has increased as puppy mills have grown in size and seriousness of abuse. Because they nearly always involve horrendous images of badly neglected dogs and puppies, raids of puppy mills typically attract widespread media attention and public outrage. The HSUS has received more requests from our members for legislative action against puppy mills than any other animal issue.

SB 370 would require that breeders with custody of more than 10 intact females kept for the purpose of breeding and selling their offspring provide their dogs with sufficient food and clean water, necessary veterinary care, sufficient housing and space, regular exercise, and adequate rest between breeding cycles. It also places a cap of not more than 50 intact dogs for the purpose of breeding and selling any offspring, which would prevent large scale facilities from moving into New Hampshire in the future.

Celebrating Animals, Confronting Cruelty

Puppy mills come in all sizes. While New Hampshire is not typically home to operations housing hundreds of animals in outdoor cages, the suffering that dogs endure in “mini-mills” operating out of basements, sheds or garages is no less. Puppy mills thrive by remaining out of the public eye and therefore without public scrutiny for how they treat the dogs kept for breeding. Because buyers are often directed to “meet” puppies off premises from where they’re bred, consumers unwittingly support this cruel industry by purchasing these animals.

Requiring adequate caging, flooring, exercise and rest between breeding cycles are not over-the-top mandates, but rather modest measures to ensure that animals who will spend the majority of their lives confined in cages are receiving minimum standards of care. Placing a cap on the number of sexually intact adult dogs at puppy mills provides standards and laws that animal control and law enforcement can effectively enforce. Assuming 40 of the maximum of 50 dogs are females, and with an average litter size of five puppies (a conservative estimate), breeders would be able to sell as many as 200 puppies a year if each female is bred only once a year, or 400 puppies a year if the females are bred twice a year. For these very large numbers of animals, we feel it is necessary to have clear standards of care and extensive oversight to situations where there is, historically, an increased potential for neglect and cruelty.

The HSUS is not opposed to responsible dog breeding, but we do take an unapologetic stand against puppy mills and irresponsible breeders. Although we always recommend a shelter as the very best place to get a pet, The HSUS also publishes several guides for the public to help them find and identify a good dog breeder, including our **Puppy Buyer's Guide** and our **Good Breeder Checklist**. These are available for free on our website.

A reputable breeder believes that dogs who are used for breeding should be kept as part of the family; believes that housing dogs in cages 24 hours a day for years on end is an inhumane way to treat an animal who thrives on companionship; and supports excellence in care and attention for breeding dogs and their puppies. This is an area in which I think we can all agree, and is the minimum we should require of pet breeders here in New Hampshire.

We urge your consideration and favorable support of SB 370.

Joanne Bourbeau
The Humane Society of the United States
Email: jboubeau@hsus.org; Phone: 802-368-2790

Fact Sheet

SUPPORT SB 370, An Act Relative to the Breeding of Dogs for Sale or Transfer

HELP CRACK DOWN ON PUPPY MILLS IN NEW HAMPSHIRE

What is a puppy mill?

A puppy mill is a mass breeding facility in which the parent dogs (referred to as 'breeders') are forced to churn out litter after litter of puppies that will be sold in pet shops, over the Internet and directly to the public. Because the bottom line, not the health or well-being of the dogs or the breed, is the issue dogs are often warehoused in tiny cages that are stacked in barns and sheds. Most of the breeding dogs receive little to no veterinary care and never get out of their cages for exercise or socialization. Unlike the puppies, who will have the chance of becoming part of a family, it is the parent dogs that suffer most in puppy mills; never knowing the pleasure of a treat, a toy, a bed, or the feeling of grass under their feet.

Are consumers affected by puppy mills?

The unwitting consumer who buys a puppy from a pet store or over the Internet may be unaware that they are supporting an industry that thrives on cruelty. But they may also be acquiring a tragic and expensive problem. Puppy mill puppies often arrive with a host of behavioral, genetic, and physical problems, from congenital heart defects and fear-biting, to parvovirus and respiratory infections. The consumer's ability to pursue legal recourse against the breeder may be limited, leaving the consumer with nothing but vet bills and the heartbreak of watching their puppy suffer.

Puppy Mills are a Problem in New Hampshire.

Puppy mills come in all sizes. While New Hampshire is not typically home to operations housing hundreds of animals in outdoor cages, the suffering that dogs endure in "mini-mills" operating out of basements, sheds or garages is no less. Puppy mills thrive by remaining out of the public eye and therefore without public scrutiny for how they treat the dogs kept for breeding. Because buyers are often directed to "meet" puppies off premises from where they're bred, consumers unwittingly support this cruel industry by purchasing these animals.

- September, 2010: 29 Dachshunds and 1 Pomeranian were rescued, where they were found living in their own filth in an overcrowded residence in Deerfield. "The whole place was covered with animal waste and fleas" said Steve Sprowl, Field Services Manager for the New Hampshire SPCA.
- April, 2010: 44 small breed dogs, including Shih Tzus, Yorkies, Maltese and Poodles, were removed by the Animal Rescue League of NH from a breeder in Mont Vernon. The dogs were living crammed into wire cages in squalid conditions.
- June, 2007: 19 miniature greyhounds were removed from the home of an Epping breeder after an anonymous tip to police. The dogs were kept in crates in a hot upstairs bedroom.
- March, 2005: 30 dachshunds were removed from the home of a Kingston breeder, who was selling the dogs on the Internet for \$700 a piece. According to authorities, the dogs were not getting enough water and were sitting in their own waste in small pens.



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Fact Sheet

- October, 2003: 50 dogs were removed from the trailer of an Allenstown breeder. Investigators said the animals were kept in wall-to-wall cages stacked on top of each other.
- June, 2003: 30 English and French bulldogs were removed from the home of a Bedford breeder, who had been selling the dogs on line. The dogs were in the basement, garage and attic of the house.
- July, 1999: 110 Shar-peis were removed from the home of a Hooksett breeder. The dogs—many with skin and eye infections— were stacked in cages, one on top of another, with urine and feces dripping to the bottom cages. The owner was also charged with practicing veterinary medicine without a license for stapling a prolapsed rectum 12 times.

What will the Puppy Mill bill do?

The bill would create a new subdivision within NH's existing animal sales statute to specifically address animal welfare concerns in puppy mills. It would require that any breeder with custody of more than 10 intact female dogs for the purpose of breeding and selling their offspring provide their dogs with sufficient food and clean water, necessary veterinary care, sufficient housing and space, regular exercise, and adequate rest between breeding cycles. Breeders would also not be allowed to have custody of more than 50 intact dogs for the purpose of breeding and selling any offspring, which would prevent large scale facilities from moving into New Hampshire in the future.

Puppy mills are a disgrace. This bill will provide dogs in breeding operations the best hope for a better life. Small or hobby breeders who have 10 or fewer female breeding dogs will not be affected by the amendment. No pet stores or other retail outlets selling dogs or cats will be affected. In addition, this amendment has no effect on anyone's right to own a dog or cat, or any number of dogs or cats. It simply ensures the humane care and treatment of dogs and cats in the custody of large-scale breeders.

Aren't there existing laws to stop irresponsible breeding?

Although New Hampshire has anti-cruelty laws intended to address neglect and mistreatment of animals, most large-scale breeding facilities continue to operate in ways that mock these laws. Due to a loophole in the federal Animal Welfare Act, large commercial breeders who sell puppies directly to pet owners, including those who sell over the Internet, are exempt from any federal oversight. And even those that are subject to federal oversight are not providing the minimal standards of care required under the Act. The USDA's Office of Inspector General (OIG) recently released a report confirming that USDA inspectors regularly ignore horrific suffering at commercial dog breeding facilities and allow the facilities to continue to operate, unimpeded, despite repeated violations of the Act.

Why set a limit of 50 breeding dogs, and does this violate constitutional rights?

Large-scale commercial facilities that mass-produce puppies contribute to the tragedy of pet overpopulation, risk the proliferation of giant-sized puppy mills and are at risk of becoming overcrowded and out of control. A cap of the number of sexually intact adult dogs provides standards and laws that animal control and law enforcement can effectively enforce. Assuming 40 of the maximum of 50 dogs are females, and with an average litter size of five puppies (a conservative estimate), breeders will be able to sell as many as 200 puppies a year if each female is bred only once a year, or 400 puppies a year if the females are bred twice a year.

Minimum care standards alone will not shut down or deter the worst puppy mills. In other states that require minimum care standards but do not set a limit, unhealthy, inhumane puppy mills continue to flourish. Setting a 50-



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Fact Sheet

dog limit is aimed at stemming the growth of large-scale factory-style dog breeding operations that are at a greater risk of becoming overcrowded and out of control.

There is no constitutional right to breed an unlimited number of dogs, and the measure does not take anyone's property. It just places a sensible upper limit on the use of dogs for breeding at any one operation. Unrestricted dog breeding is not a fundamental right, and regulation of animals is within the state's police power. The argument that the state is not permitted to impose a cap is like saying the state cannot limit the number of children in any one day care facility, the number of smokestacks at a factory, or the number of people in a dance hall at any one time. And this doesn't ban ownership of more than 50 dogs, it just puts a cap on the number of animals that can be bred at any one operation.

Aren't the AKC's care standards sufficient?

Some breeders may follow the AKC's standards, but many don't. Compliance with those standards is completely voluntary. There are dozens of dog registries in this country besides AKC, so many purebred dogs are not registered with AKC, nor does AKC inspect every breeder who registers dogs with them.

AKC does not have the ability to enforce any laws. If a breeder is found to be out of control, the only penalty available to the AKC is suspension of that breeder's ability to register dogs with AKC. There is nothing stopping this breeder from registering dogs with other breed clubs after an AKC suspension.

Large-scale puppy mill operators care about one thing: the bottom line. Minimum care standards must be written into law in order to guarantee that dogs get the care they need and deserve and to level the playing field with more humane breeders.

Is there public demand for limits on dog breeding?

Public scrutiny of dog-breeding operations has increased as puppy mills have grown in size and seriousness of abuse. Because they nearly always involve horrendous images of badly neglected dogs and puppies, raids of puppy mills typically attract widespread media attention and public outrage. Recent national television coverage about the horrors of puppy mills has provided even more heightened awareness of the problem. The Humane Society of the United States has received more requests from its members for legislative action against puppy mills than any other animal issue.

Is The HSUS Against all Dog Breeding?

The HSUS is not opposed to responsible dog breeding, but we do take an unapologetic stand against puppy mills and irresponsible breeders. Although we always recommend a shelter as the very best place to get a pet, The HSUS also publishes several guides for the public to help them find and identify a good dog breeder, including our **Puppy Buyer's Guide** and our **Good Breeder Checklist**. These are available for free on our website.

A reputable breeder believes that dogs who are used for breeding should be kept as part of the family; believes that housing dogs in cages 24 hours a day for years on end is an inhumane way to treat an animal who thrives on companionship; and supports excellence in care and attention for breeding dogs and their puppies.



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[Stop Puppy Mills]



**THE
CRUELTY**
Behind the Cuteness



THE HUMANE SOCIETY
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You Can Help Stop Puppy Mills

Don't be fooled: the person or pet store you've picked to buy your puppy from might be supporting the notorious puppy mill industry. Puppy mills are breeding businesses that raise dogs in shockingly poor conditions. "Breeding stock" animals are caged and continually bred for years, without human companionship and with little hope of ever becoming part of a family. After their fertility wanes, breeding animals may be killed, abandoned, or sold to another mill. The result of all this breeding? Millions of puppies, many with health and behavior problems not easily seen at the time of purchase.

Pet Store Deception

They may seem to know what they're doing, but behind the friendly façade of pet stores often lies the ugly reality of these puppy mills. There's only one sure way to combat the tragedy of mass breeding operations—don't support them. No matter how cute the puppy in the pet store is, please don't buy her. You may feel like you're "rescuing" her, but in reality you're freeing up space for another puppy mill "product" while supporting and encouraging an industry based on abuse. Unless you personally visit the place where your puppy was born and raised—and where the puppy's parents live—there's no way to know that your puppy didn't come from a puppy mill, no matter what a sales clerk tells you.

Heart Set on a Purebred Dog?

Shelters and breed rescue groups have purebred dogs available for adoption every day. Contact The Humane Society of the United States Companion Animals staff at 202-452-1100 or 2100 L Street, N.W., Washington, D.C. 20037, or visit humanesociety.org/puppy for help finding a breed rescue group or shelter in your area.

Websites and Classifieds—the New Face of a Terrible Business

Don't believe everything you see online or in the classifieds—a world of cruelty might be lurking behind that cute little puppy picture. If you think you've found the perfect breeder on a website showcasing adorable photos, claims of how they cherish their "furry babies," and promises that they sell exclusively to "qualified homes," be on alert—such websites are among the newer scams that puppy mills are running. There's no way to know whether you're dealing with a puppy mill by simply looking at a website or talking to someone over the phone.

Selling online and through classified ads allows puppy mill operators to "cut out the middleman" and sell directly to consumers. It's more profitable, and it allows puppy mills in many states to avoid inspection. Remember that puppy mills house their dogs in deplorable conditions and churn out puppies for quick sale and shipment. **Don't support this cruelty; always visit the breeder's home in person before you buy.**



About The HSUS

The HSUS is the nation's largest and most powerful animal protection organization, backed by 11 million Americans, or one in every 28. Established in 1954, The HSUS seeks a humane and sustainable world for all animals, including people. We are America's mainstream force against cruelty, exploitation, and neglect, and also the nation's most trusted voice extolling the human-animal bond.

For more information about puppy mills, visit humanesociety.org/pupymills.

For help finding a humane breeder, visit humanesociety.org/puppy.

To report a puppy mill operation, call 877-MILL-TIP (645-5847).

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GETTING A PUPPY



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Do you know what to look for when buying a purebred puppy? Do you know what to avoid, especially on the Internet? Protect yourself from puppy mill scams and don't be fooled into buying an overpriced, possibly sick puppy from a puppy mill. Please don't ever buy a puppy without personally visiting where he or she was born and raised.

Did you know that one out of every four dogs in U.S. shelters is a purebred? Or that there is a rescue group for virtually every breed of dog?

For information on adoption, help finding your preferred breed, or to download a "How to Find a Good Dog Breeder" checklist, please visit our website.

humanesociety.org/puppy



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January 13, 2012

To the attention of:

Senate Executive Departments and

Administration Committee:

I could not attend this session in person as I am volunteering at the Homeless Resource Center at this time, but I hoped to be able to indicate my very strong support for SB 370.

It is my understanding that this bill would "impose reasonable animal care standards and ownership limits on dog breeders".

Who among us would find it acceptable to abuse or neglect an innocent animal? Who among us would want to find out that we have a "puppy mill" in our wonderful state? The horrors of puppy mills are well known due to the publicity surrounding the necessity of rescuing sometimes hundreds of animals from terribly run facilities. Female dogs are continuously bred, often in spite of illness, infections, inadequate food, water and shelter. They become breeding machines, often kept in small cages with little social contact their entire lives.

This bill would help prevent the above situation from occurring in New Hampshire. I respectfully request your support for this humane legislation.



Linda Rauter

51 Canterbury Rd.

Chichester, N.H. 03258

To: Senate Executive Departments & Administration Committee

Re: Opposition to SB 370

Madam Chair and Members of the Committee,

I ask that you vote *SB 370-relative to the breeding of dogs for sale or transfer* inexpedient to legislate.

My husband and I have raised and occasionally bred Scottish Deerhounds for 40 years. I am a former member of the Governor's Commission on the Humane Treatment of Animals; a former president, board member and show chairman of the Cheshire Kennel Club of Keene, N.H.; and a former board member and specialty chairman of the Scottish Deerhound Club of America. I founded the S.D.C.A. Rescue and Placement Committee in the 1980s.

There are many problems with SB370. What follows are just a few of them.

It is unnecessary. New Hampshire already requires that commercial kennels to be licensed by the Department of Agriculture, are subject to AGR1702 and inspected twice yearly.

The second problem is with the wording "for the purpose of breeding." How is anyone to determine whether a dog owner's dogs are being kept just as pets or for breeding purposes? Is it to be determined simply by whether the dogs are sexually intact? Over the last 40 years, we have owned anywhere from 5 to 12 intact dogs at a time. During that time we have spayed only four bitches (two of which died from the surgery) and neutered only one male. During that same time, we bred 5 litters – the last in the 1980s. At present, none of our dogs are altered because we see no need to put them through major surgery unnecessarily.

A third problem is **SB370 mandates a specific medical treatment by requiring that a veterinarian administer general anesthesia when perform a surgical birth, debarking operation, or tail docking.** The decision of what, if any, anesthesia a veterinarian administers during any procedure should be made by a trained medical professional, in consultation with the dog's owner, not by the legislature or the people who proposed this bill. This is the case with human medicine. General anesthesia is not mandated when a woman has a caesarian and, as I can attest having had a caesarian, is not the norm.

A final example is the mandate for veterinary treatment for "any illness or injury." Occasionally, one of our youngsters may come up lame from roughhousing or throw up from getting into something it shouldn't. If we were subject to the requirements of this bill, we would have to take the dog to the vets rather than seeing if the problem cleared up on its own. To put this in human terms, should you go to the doctor's every time you get a cold or a cut?

Ironically, SB370 criminalizes responsible dog breeders who follow best management practices. In my breed, for example, we don't begin to even sell our puppies until they are three months old, after doing testing for various possible diseases, and because of the large size of our litters

(our first litter was 15 puppies), the rarity of our breed (less than 200 are born a year in the US), and the difficulty in finding appropriate homes and the fact that we usually have at least three unsprayed adult bitches of various ages at any given time, we easily could reach the threshold of "covered dogs" with just one litter and, conceivably, be thrown in jail and charged with a class A misdemeanor because we don't have an air conditioner in our dog house (much less our house) and the temperature might be over 85 degrees.

Please vote SB370 inexpedient to legislate.

Thank you for your consideration,

Elin Phinizy

PO Box 175

Acworth, NH 03601

603.835.2852

black.north@gmail.com

Sent by email – January 16, 2012

Chroniak, Deborah

From: jslepian@worldpath.net
Sent: Tuesday, January 17, 2012 2:32 PM
To: Carson, Sharon; Groen, Fenton; Larsen, Sylvia; Luther, Jim; White, Raymond; Chroniak, Deborah
Cc: Odell, Bob; betts24@gmail.com; Gile, Mary; Cooney, Mary
Subject: FW: SB 370 testimony ✓

Follow Up Flag: Follow up
Flag Status: Completed

Honorable Members of the Executive Departments and Administration Committee,

I am unable to attend this Thursday's hearing on SB 370, but I thank you for considering my testimony as follows.

My name is Jean Slepian. I live in Stoddard NH, with 5 dogs, all adopted from my local shelter, the Monadnock Humane Society.

I'm not employed by any animal welfare organization, and I don't represent any animal welfare organization; I'm an independent activist and have been involved in legislative advocacy for animals for about 15 years.

I absolutely agree that we need to establish humane standards for dog breeders, and I thank Senator O'Dell, Senator Carson and the other co-sponsors of SB 370 for caring about our beloved canine companions. In the past few years we have seen numerous examples of dog breeders keeping animals in horrific conditions, dozens of dogs removed, putting an enormous burden on our animal shelters, and possible cruelty charges against dog owners which can turn into lengthy and costly court proceedings for the state.

However, I am opposed to SB 370 because it gives enforcement authority to the Commissioner of the Dept Agriculture, Markets and Food or his/her designee. Our state veterinarian, Dr. Crawford, has told us many times that he does not have the staff, the resources or the motivation to enforce humane standards on non-commercial-kennel dog breeders. Therefore, I think SB 370 is counter-productive for the dogs it aims to help and the people who care about them.

There is an enormous loophole in our current statutes for licensing dogs (see RSA 437:7 and 466:6) that allows non-commercial-kennel breeders to license their dogs on a \$20.00 per year "Group License". This is the type of license available to anyone owning 5 or more dogs (like me). A breeder could have 20 dogs and be producing 9 litters or 49 puppies per year on a \$20.00 Group license.

In my opinion, the first step we must take to create humane standards for dog breeders is to close this loophole by creating a separate category for licensing dog breeders at the local level.

I would welcome the opportunity to discuss this idea further with any Legislators who are interested . Thank you for your consideration.

Jean Slepian
 1252 Route 123 North
 Stoddard NH 03464

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes up short again and again, because there is no effort without error and shortcoming; but who

Chroniak, Deborah

From: Batwrangler [batwrangler@gmail.com]
Sent: Wednesday, January 18, 2012 7:02 AM
To: Carson, Sharon; Groen, Fenton; White, Raymond; Luther, Jim; Larsen, Sylvia
Subject: Oppose Senate Bill 370 - Dog Breeding Restrictions

Dear Senators,

Please oppose Senate Bill 370 - Dog Breeding Restrictions.

It is bad for responsible dog owners, bad for responsible dog breeders, bad for dogs, and bad for the state of New Hampshire.

It is bad for dog owners because it will have a chilling effect on responsible dog breeders who work to ensure that their dogs are healthy, have good temperaments, and go to great homes.

It is bad for responsible dog breeders because it will make hobby breeding difficult if not impossible and will only encourage large-scale for-profit dog breeding to meet demand for pet dogs: many dog welfare groups already import rescue dogs into New Hampshire to meet demand. Without local responsible breeders this will increase and treating dog breeding as a profit making business will be the only way to stay in compliance with breeder regulations. No one wants dogs to be treated as a commercial commodity!

It is bad for dogs because these requirements treat dogs like agricultural livestock and would prohibit responsible breeders from keeping and whelping their dogs in their homes -- instead they have to be kept in kennels that meet agricultural requirements -- and pet dogs should be raised in homes as part of the family.

It is bad for the state of NH because it will require spending we cannot afford, enforcement agents we cannot hire, and state intrusion into individual homes and businesses that is antithetical to New Hampshire.

It is also unnecessary because the state already has in place laws to prevent animal cruelty and neglect that are more than sufficient to close down irresponsible breeders.

As a constituent and responsible dog breeder, I ask that you oppose this burdensome and ineffective legislation as currently written, and urge you to seek significant amendments. Specifically, I urge you to ensure that ownership limits, unreasonable conditions requirements, unnecessary infringement on the practice of veterinary medicine, and policing by unofficial law enforcement personnel is not enacted, as a matter of pragmatic public policy, in New Hampshire.

Senate Bill 370 will not improve the welfare of dogs in New Hampshire, but it will hurt responsible breeders like me who strive to raise healthy, well cared-for dogs and work to ensure that these puppies are placed with responsible owners. Animal limit laws are difficult to enforce and do not address the underlying issues of responsible ownership and proper dog care.

Rather than focusing on ownership limits, concentrating animal control efforts on dogs whose behavior demonstrates that they are a problem for the community and investigating credible animal cruelty complaints would be a much better use of taxpayer funds

I respectfully ask that you support responsible owners and breeders by opposing Senate Bill 370 as it is currently written.

Thank you.

Sheila Perry
67 Barnard Hill Rd
Weare, NH 03281

Chroniak, Deborah*Submission # 5*

From: snowstar tds.net [snowstar@tds.net]
Sent: Wednesday, January 18, 2012 3:21 PM
To: Carson, Sharon; Groen, Fenton; Larsen, Sylvia; Luther, Jim; White, Raymond; Sanborn, Andy
Cc: yln@comcast.net
Subject: SB 370
Follow Up Flag: Follow up
Flag Status: Completed

Dear legislator,

Re: SB 370

While you may believe that SB 370 targets "puppy mills," New Hampshire has very few of these. As active dog mushers for the past 12 years in NH, we know of no such operation. In fact, we feel the converse of this bill's implication is true. Mushers are very professional about their sport and have the utmost respect for their dogs. As extremely responsible dog owners, they love their animals and provide them with excellent food, care, and housing.

There is a long cultural history of sled dogs in New Hampshire. It is a history that we should all be proud of. Our children study the Alaskan Iditarod in school but very few realize the New Hampshire connection.

Mushers are by necessity very knowledgeable dog owners who give the ultimate care to their animals. This bill would impact our ability to do this properly. Many of us believe from experience that intact dogs are healthier and therefore do not leave our dogs intact only for breeding purposes but also for these health issues which have been substantiated in various studies. Please also note that 45°-85° housing is simply way too hot for northern breeds and sled dogs who THRIVE in temperatures below freezing.

Please vote SB 370 as inexpedient to legislate.

Very sincerely,

Loranne Carey Block
Richard Block
Snow Star Farm
63 Loveren Mill Rd
Antrim, NH 03440
603-588-2552
snowstar@tds.net

1/20/2012

Chrońiak, Deborah*SUBMISSION 6*

From: Jan Gardner [sparhwk@comcast.net]
Sent: Wednesday, January 18, 2012 4:11 PM
To: Carson, Sharon
Cc: Groen, Fenton; Larsen, Sylvia; Luther, Jim; White, Raymond; Odell, Bob
Subject: SB-370-FN
Follow Up Flag: Follow up
Flag Status: Completed

JANICE SPARHAWK GARDNER
165 Dover point Road
Dover, New Hampshire 03820
603-742-0205
sparhwk@comcast.net

18 January, 2012

To: Members of the NH Senate Committee on Executive Departments & Administration, and Senator Odell

Re: Senate Bill 370-FN

Senators:

I write to ask that you find SB-370-FN Inexpedient to Legislate, and report it as such to the entire Senate on the Consent Calendar, for reasons I will outline below.

I was the founder and President of the Dog Organization of the Granite State in 1972 and through 1993. DOGS then was a federation that included representatives from all of the state's kennel and training clubs, hunters, veterinarians, pet owners, Animal Control Officers and licensed shelters. During those years we worked to review and, where necessary, to revise all of our state's statutes that touched on the ownership, breeding, care and sale or transfer of dogs and cats. We also revised shelter and pet store inspection and licensing standards and completely updated our Cruelty and Neglect laws. The resulting statutes have stood us in good stead for over 38 years. New Hampshire still has the best animal laws in the country; our laws are fair, non-discriminatory and enforceable. They protect our animals without negatively impacting our citizens or their property rights. If SB 370-FN were to become law, that would no longer be true.

I am proud to say that I was a breeder of healthy, long-lived, beautiful and intelligent dogs for over 48 years; my dogs earned over 50 titles in conformation and in training competitions - all while living in my home, as my pets and companions. I am approved to judge at American Kennel Club conformation shows and have represented this area at national meetings of the American Kennel Club for over 30 years. I am President of Rockingham County Kennel Club.

The subject of SB-370-FN has been heard, studied and defeated in the NH House, in both of the past two sessions. The ideas in this bill have appeared many times since 1971, with occasional minor variations, and have been defeated every time - because the ideas it contains are just bad for New Hampshire.

1/20/2012

SB-370-FN attempts to provide a solution to a problem that even those requesting it admit does not exist in this state. In the process, it would impose unreasonable hardship on honest people who love their dogs and provide excellent care for them. SB-370-FN would impose standards, based on those of the US Department of Agriculture, Division of Animal and Plant Health, as authorized by the federal Animal Welfare Act specifically for large commercial or research kennels that do not, nor have not, existed in this state. We are told that this bill should be passed "just in case" such facilities come here. Such draconian standards are unnecessary and, in fact, would compromise the way our dogs are now cared for. With the exception of 4 licensed and inspected commercial kennels, and 88 inspected and licensed shelters and rescues, the vast majority of "kennels" in New Hampshire consist of dogs that live as house pets, inside their owner's home, as do mine.

Upon review of material promoted to support passage of this bill, it is apparent that there are actually very few cases in New Hampshire that involve cruelty or neglect of dogs. Of the cases so far cited, one dealing with SharPei occurred well over a decade ago. Another, dealing with over 2 dozen Dachshunds, was reported in the media at that time as being a "voluntary turn-in" based on the owner's current financial difficulties. Between 2003 and 2009 there were only 10 actual cruelty or neglect cases involving dogs in this state. We know that there are something over 150,000 licensed NH dogs, which is estimated to represent approximately 60% of owned dogs in NH. Using these figures (from the NH - VMA and other sources) if we conclude that about 300,000 dogs live in New Hampshire, to have fewer than 2 situations a year that meet our cruelty or neglect standards indicates that our dogs are far safer than dogs in some other states. Current New Hampshire laws and enforcement would seem to provide more than adequate protection for our dogs.

Section 437:25, I, of this bill is particularly troubling. While I understand that Senator Odell plans to amend this section, I must state unequivocally that forcing the NH Dept of Agriculture to engage non-employees to perform inspections on their behalf is a very bad idea. The 4 commercial kennels and the 88 shelters and rescues are inspected and licensed by the Department at least annually, and as a result of any written complaint. It is possible that Dr Crawford, our State Veterinarian, might want to enhance his powers relative to these licensed facilities. But assuredly Dr Crawford does not want to be forced to inspect and license every person who breeds an occasional litter of dogs or cats, nor is his department financed or staffed to enable him to do this. The suggestion that any agent of a humane society, or any Animal Control Officer, be authorized to perform this departmental function is extremely ill-advised. Firstly, I seriously doubt that any Police Chief would willingly agree to have his employee (ACO) engaged in performing these inspections. I am told that they cannot afford their current animal control responsibilities. No person who is not under the training, supervision and control, and the employ, of the Department should ever be given this responsibility. To do as this bill suggests would severely risk increased liability for the Department, weakened court cases, and confusion about what standards should prevail.

SB-370-FN also attempts to block the relationship between veterinarians and animal owners by imposing stipulations on certain surgical procedures (vocal cord surgeries, caesarian sections, tail docking, frequency and age of breeding, form or frequency of exercise, and numbers of intact animals owned) that are best left to the consultation and advice of the animal's doctor. This is not only ill-advised and dangerously intrusive, it also risks the animal's health if proper care decisions are preempted by an outside regulator with no knowledge of the needs of the individual animal or the abilities of the owner.

While I understand that the sponsor intends to amend this bill to remove the numeric limit on dog ownership and to alter the section about who can perform enforcement, I believe that by far the best solution to this unnecessary, ill-advised and intrusive bill, that would, if passed, be next to impossible to enforce with any degree of fairness, should simply be to defeat it - now.

Also - there comes a point where citizens should, as long as they are law-abiding, be allowed to enjoy their own personal property without interference by the state or any national organization.

I thank you very much for your attention. Please feel free to contact me should you have any questions about this bill or any of the information I have provided.

J. S. Gardner
Sent via E-mail 1-18-12

Chroniak, Deborah

SUBMISSION 7 Page 1 of 1

From: Joanne Bourbeau [jbourbeau@humanesociety.org]
Sent: Friday, January 20, 2012 1:07 PM ✓
To: Luther, Jim
Cc: Carson, Sharon; Groen, Fenton; Larsen, Sylvia; White, Raymond
Subject: response to your concerns about the HSUS

Hello, Senator Luther and fellow members of the Executive Department and Administration Committee. Thank you for the opportunity to respond to some of the concerns you raised about the Humane Society of the United States at yesterday's hearing. I was a bit confused when you mentioned Charity Watch because I know that *Charity Navigator* (the leading evaluator of nonprofit organizations) has given us high scores for many years. I did a little more research, and Charity Watch looks only at finances, uses an unorthodox method to do so, and doesn't evaluate effectiveness or impact – by those measures we are a very good value. We are aggressive in recruiting new supporters to our cause because we need to be a powerful force for the protection of all animals. We have more than 11 million supporters, and are able to create real changes in corporate and public policy as a result of our size and strength.

The HSUS receives high ratings from Charity Navigator and we meet every criteria of the Better Business Bureau's Wise Giving Alliance. You can find our Charity Navigator rating at this link: <http://www.charitynavigator.org/index.cfm?bay=search.summary&orgid=3848>. The HSUS spends 77.8% of our dollars on program expenses.

We were also recently rated the most effective animal organization in a survey conducted of 170 leaders in the humane movement.

<http://www.myphilanthropedia.org/top-nonprofits/national/animal-welfare-rights-protection/hsus-humane-society-of-the-united-states>

Our opponents also often speak of our size, strength and ability to meet our goals to advance improvements for animals.

Here is a link to our annual report and budget, where you can get detailed information about not only our finances, but our program work. Yes, we are an advocacy organization, and yes, we do lobby at the state and federal level to the degree that we're legally allowed. Our public policy work is instrumental to our broader mission of confronting cruelty. But it alone is not an accurate picture of our work nationwide.

[http://www.humanesociety.org/about/overview/financials/2010 annual report/annual report 2010.ht](http://www.humanesociety.org/about/overview/financials/2010%20annual%20report/annual%20report%202010.ht)

[http://www.humanesociety.org/assets/pdfs/publications/2010 annual report/2010 ar financials.pdf](http://www.humanesociety.org/assets/pdfs/publications/2010%20annual%20report/2010%20ar%20financials.pdf)

And lastly, one thing I forgot to respond to when I testified was the comment made about the HSUS being "investigated by the IRS and the Attorney General's Office." Both statements are false. Just as most major charities, we are routinely audited by the IRS every two years or so.

Again, I thank you for the opportunity to respond, and am happy to answer any additional questions you might have.

Joanne.

1/23/2012

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 9, 2012

THE COMMITTEE ON Executive Departments and Administration
to which was referred Senate Bill 370-FN

AN ACT relative to the breeding of dogs for sale or transfer.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 0703s

Senator Fenton Groen
For the Committee

Deb Chroniak 271-1403

New Hampshire General Court - Bill Status System

Docket of SB370

Docket Abbreviations

Bill Title: (2nd New Title) relative to the powers of the state veterinarian.Official Docket of **SB370**:

Date	Body	Description
1/1/2012	S	Introduced 1/4/2012 and Referred to Executive Departments and Administration; SJ 1 , Pg.14
1/5/2012	S	Hearing: 1/19/12, Room 100, SH, 10:45 a.m; SC2
2/9/2012	S	Committee Report: Ought to Pass with Amendment #2012-0703s , NT, 2/15/12; SC7
2/15/2012	S	Committee Amendment 0703s; NT, AA, VV; SJ 5 , Pg.133
2/15/2012	S	Ought to Pass with Amendment 0703s, NT, MA, VV; OT3rdg; SJ 5 , Pg.133
2/22/2012	H	Introduced and Referred to Environment and Agriculture; HJ 20 , PG.1251
3/6/2012	H	Public Hearing: 3/20/2012 11:00 AM LOB 303
3/21/2012	H	Subcommittee Work Session: 4/3/2012 10:00 AM LOB 303
5/4/2012	H	Executive Session: 5/8/2012 10:00 AM LOB 303
5/9/2012	H	Committee Report: Ought to Pass with Amendment #2119h(NT) for May 15 (Vote 12-0; RC); HC 37 , PG.2041
5/9/2012	H	Proposed Committee Amendment #2012-2119h (New Title); HC 37 , PG.2113-2114
5/15/2012	H	Amendment #2119h(NT) Adopted, VV; HJ 43 , PG.2328
5/15/2012	H	Ought to Pass with Amendment #2119h(NT): MA VV; HJ 43 , PG.2328
5/23/2012	S	Sen. Carson Moved Non-concur with House Amendment #2119h; Requests C of C, MA, VV
5/23/2012	S	President Appoints: Senators Carson, Larsen, and Rausch
5/24/2012	H	House Accedes to Senate Request for Committee of Conference (Rep Ingbretson): MA VV; [Recessed from 5/17/2012 Session]; HJ 46 , PG.2493
5/24/2012	H	Speaker Appoints: Reps Haefner, Babson, Gandia, and Sad [Recessed from 5/17/2012 Session]; HJ 46 , PG.2493
5/24/2012	S	Committee of Conference Meeting: 5/29/2012, 3:00 p.m., Room 100, SH
5/30/2012	H	Conference Committee Report #2012-2414c , House AM, Filed; HC 42 , PG.2264
6/6/2012	H	Conference Committee Report #2414c Adopted, VV
6/6/2012	S	Conference Committee Report 2414c; Adopted, VV
6/6/2012	H	Enrolled
6/6/2012	S	Enrolled
6/18/2012	S	Signed by the Governor on 06/18/2012; Chapter 0240; Effective 06/18/2012

NH House

NH Senate

Other Referrals

May 29, 2012
2012-2414-CofC
08/09

Committee of Conference Report on SB 370-FN, an act relative to the powers of law enforcement and animal control officers.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 370-FN, an act relative to the powers of law enforcement and animal control officers.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Carson, Dist. 14

Rep. Haefner, Hills. 27

Sen. Larsen, Dist. 15

Rep. Babson, Carr. 3

Sen. Rausch, Dist. 19

Rep. Gandia, Hills. 27

Rep. Sad, Ches. 2

May 29, 2012
2012-2414-CofC
08/09

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COMMITTEE REPORT FILE INVENTORY

SB 370-FN

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

PREPARED TESTIMONY AND OTHER SUBMISSIONS

List by number [Submission 1 thru 4 or Submission 1, 2, 3, 4] here:

#1-7

SUBMISSIONS 1-7

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0213s - AMENDMENT # 0703s

- AMENDMENT # 0253s - AMENDMENT # 2119h

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED

AS AMENDED BY THE HOUSE

FINAL VERSION

AS AMENDED BY THE SENATE

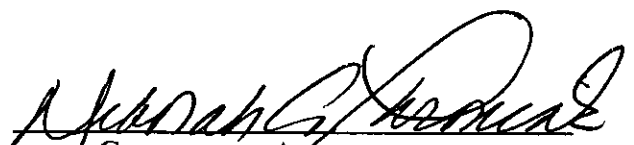
EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

AMENDED FN 5/17/12 ; 2012-2414 CoFC 5/29/12

DATE DELIVERED TO SENATE CLERK

6-26-12


COMMITTEE AIDE