

# Committee Report

**REGULAR CALENDAR**

**February 21, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Environment and Agriculture to which was referred HB 688-FN, relative to transfer and inspection of animals.**

**WITHOUT RECOMMENDATION**

## COMMITTEE REPORT

Committee:	Environment and Agriculture
Bill Number:	HB 688-FN
Title:	relative to transfer and inspection of animals.
Date:	February 21, 2019
Consent Calendar:	Regular Calendar
Recommendation:	<b>WITHOUT RECOMMENDATION</b>

**Statement in support of Without Recommendation:**

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Original: House Clerk  
Cc: Committee Bill File

# Hearing Minutes

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 688-FN

**BILL TITLE:** relative to transfer and inspection of animals.

**DATE:** February 7, 2019

**LOB ROOM:** 303 **Time Public Hearing Called to Order:** 1:00 p.m.

**Time Adjourned:** 4:31 p.m.

**Committee Members:** Reps. Gourgue, Bixby, Comtois, Beaulieu, Ellis, Richards, Chretien, Dutzy, McConnell, O'Connor, Pearl, Verville, Aron, Bean, Melvin and Viens

**Bill Sponsors:**

Rep. Bixby  
Sen. Bradley

Rep. O'Connor  
Sen. Watters

Rep. Pearl  
Sen. Fuller Clark

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Peter Bixby** – brief history – existing statues State & Feds – problems w/current bill  
Problems w/RSA437 – last time reworked was more than a decade ago – Budget committee amended things in the budget process needs to be corrected  
# of high-profile cases regarding animal neglect – Great Dane case in Wolfeboro – last year SB569 – a number of problems with how SB569 was crafted  
does not mention animal cruelty and welfare  
Primary focus on Cats, Dogs, and Ferrets as they are more susceptible to rabies –  
State law does not focus on things that are at the Fed level – what do the Feds do? They govern all sales that cross state lines – it is required to have a health certificate  
A pet wholesaler is required to have a Federal license – sale of animal over internet – requires Fed license –  
Fed license – some exemptions – pet stores issue was cost of care – Rep O'Connor brought forth a cost of care bill and this bill tries to repair the 1<sup>st</sup> chapter of 437  
As it stands Chapter 437 is about animal health  
Discussion of those dealing with animals that are exempt from Federal licensing –  
A hobby breeder under federal law is allowed to sell to a pet vendor  
Current definitions – Commercial Kennel – Pet Vendor – Transfer  
Requirements – issuing of license – zoning – we do not need to get into  
The following is for someone who is licensed 437:3  
437:5 – Prohibitions & Exceptions – where hobby breeders are removed from requirement of Pet Vendor  
Health Certificate 437:8 we only want to transfer animals that are healthy – waivers – AG rule 1706 and exempt seller needs to provide health certificate  
Shipping animals into state – 437:8 II  
Animal Shelters do not have to issue health certificates but are required to have equipment on hand to assess who an animal belongs to i.e. Tattoo reader, chip reader, etc.  
Dept of AG has rulemaking authority over parts of this – in regard to penalties 437:9 – health certificates the only way we have of tracking transfers is through health certificates, they are not going to Dept of Ag and they have no way of handling them  
HB 688 current version – this bill will be amended – See sheet – the database is not written into the bill – privacy issues will need to be written into bill -  
in terms of inspections – has had the most criticism – does not think we need to keep scheduled inspections in this bill – need to keep inspections in the bill, but should read 1 unscheduled inspection every 5 years  
Comments – how do you deal w/transfer from rescues – not addressed in this bill –

Chair – will you amend to add funding to the Dept to oversee program – Yes

**Rep. Jeanine Notter** – here on behalf of constituent opposing

**Commissioner Shawn Jasper** – will work w/any subcommittee – in support of bill – there are a number of things that need to be changed – if this were to move on – they do not have room for 13 more staff people - \$1.4 million is only a drop in the bucket to what the actual cost will be – database cost on an annual basis alone will be \$300k – this bill goes way beyond what is needed – a lot of work that needs to be done – this needs to go to study over the summer

Rep. Dutzy – this bill should be retained – Commissioner – Yes

**\*Kim Alpert – NEHS** – written testimony – concerned about how it will be applied to fish, reptiles, amphibians – NH animal cruelty and welfare laws are already in HB688, this bill will not solve several laws but create more problems

Rep. Aaron – how do you sell the reptiles eggs – some do successfully

Rep. Aaron – salmonella issues w/reptiles – We are very mindful – it is a smaller issue than what it used to be – more likely to get it from cutting chicken than from reptiles

**Jeff Swanson – Epsom** – has labs – never had any intention of breeding until he received his new AKC registered lab – only interested in bettering the breed – please leave us alone, we will patrol ourselves –

Rep. Chretien – AKC & UKC – parents were both AKC registered – UKC registration for competition and taking pictures to become registered – he believes people like him are part of the preservation breeding

**Fred Godhout** – lab retrievers 3 females breeding for several years – AKC registered breeder – he works w/Milton Vet and Rochester Broadview Vet for caring for his dogs – 7 litters all healthy, all leave his care with health certificates – bill will put a financial burden on him

**Bernice Sullivan** – Irish terrier breeder for over 25 years – concerns – public health & safety – we do the health certificates, we do continuing education – public health has to do more with sick animals and the public handling them – Pure bred dogs are not the issue – Rescue dogs are not being addressed in this bill – further objection to the registration part – it doesn't have anything to do w/the money, it is the fact that I need to be on some type of list because I have puppies???? Something about my personal liberty is being infringed

Rep. McConnell – would you be willing to do a voluntary registration – WHY – it is already available through health certificates

Rep. Richards – how does that work with a health certificate – When she goes to vet w/puppies – her name is on it, vets name is on it, vaccinations are listed, temperature, etc....

**Ray Schwartz – representing Birds of a Feather Agricultural Society** - requirements for dogs, birds, and cats are so different this law is very oppressive to birdkeepers and needs a lot of changes to make it better The Calvary Group is the only true welfare group out there

**Elizabeth Sullivan** – she would never register in a database – last year she testified and all of a sudden she had inquiries about puppies she has unlisted number – she uses biosecurity measures – Parvo – encapsulated virus that can live in your environment for years – Certified Vet Tech & Psychiatric Nurse – if they get parvo it is highly contagious, emergency treatment required – She doesn't believe registration/database will work. It is a psychiatric problem, hoarding issues, she has her puppies seen w/in 3 days at 8 weeks she gets health certs from Vet – most offenders will not register anyway

**\*Nancy Holmes** – written testimony attached is list of her proposed changes opposes

**\*Chris Condon – Maine coon breeder** – written testimony –

**\*Diane Richardson** – opposes – had suggestion – see written testimony

**Diane Tyree** – she now has more questions regarding fix – Will she be considered a hobby breeder when she places an older dog? Is she now considered a Hobby Breeder? Rep. Bixby – NO

**Danielle Simon** – sent testimony via email – why do dogs get special rules? – exempting dogs from some areas 473:X – should be 10 days not 14 days – property taxpayers cannot afford the cost of this program

**Ashley Bridges** – will send written testimony via email – she made changes in response to Rep. Bixby – breeds gecko's –RSA 437 – inspections – she didn't mind scheduled inspection, she objects to unscheduled inspections – due process – it states law enforcement can enter – issue regarding complaint section of the bill – it doesn't say you need a reason to complain – database problem – making a criminal shopping list, all they have to do is wait until she is at work and steal her animals. People just don't want their personal information going into a gov't database - the term Pet Vendor always seems to denote Commercial operation –

**\*Cheryl Silvaria** – written testimony – opposed – Why are you looking at hobby breeders – she is not a hobby breeder she is a dog fancier – this bill does not make sense – the people who are not following the laws are not going to register. - put out a public service announcement to tell the public to report abuse

Rep. O'Connor – telling them about HB501 – Cost of Care

**Bill Boyd** – opposes – agrees with previous testimony

**Elin Phinzy** – please go back to old way - it would take forever to build the database – the state wants to have a vaccination registry – \$1.4M contract for people – there is no minimums here – if you transfer 1 animal for a fee you must be registered as a hobby breeder – need to have minimums and have litters and numbers

**Erick Sawtelle** – FT Farmer – opposes – his concern is that this bill should be only addressed to dogs, cats, and ferrets – not birds, amphibians, aquatic species, etc.... main point – Dept of Ag already has a real hard time doing what is required, this needs to go to study.

**Thea Lahti** – dog breeder for 25 years – inspection and database issues – it seems like a sludge hammer – drill it down we live in the live free or die state – the problem is not hobby breeders –

1. Hoarders & Enforcement problem
2. Rescues – few health records – dogs are imported from Mexico – flown in from China – these dogs are bringing in diseases –
3. Backyard breeders –

The above are the problems not the hobby breeders

**\*Eric Emerson** – Raymond – written testimony – him and his wife run a rescue – very concerned about database – FOIA

**Kevin McCurley** – why punish the people – he is dedicated to animal welfare – birds, amphibians, reptiles, and aquatics - why should we be policed when we are not required to have health certificates – offended by the salmonella question – when you listen to HSUS – they will cause public outcry and fear mongering – over the years I have people come into my store – Kevin we heard you have dead mice all over the floor –

Rep. Bean – what do you need to report to State – as a pet vendor register every year – Appendix 1 animals – is all the Fed govt regulates

**Robert Christian** – opposes – urges us to table this bill

**Jason Spinney** – disabled combat vet- scientist w/3 degrees – he is here as a scientist and citizen – financially this has not worked with any other state agencies – NH already has some of the best animal laws in the US and spouts our laws around the world – St. Croix when implementing a similar bill as proposed found less registration – animal welfare is not going to get better – this is a financial liability to property taxpayers

**Vicky Merrill** – past president & current treasurer of Cat Fancier Federation , also a judge – it is our goal to socialize our animals so that when they go into their forever home – she works 3 jobs so she can continue to take care of her babies (cats) - we are not the backyard breeders, we are the people who go out and teach about spay and neuter programs. We are a self-policing federation

**Cindy Williams** – issues were addressed handing out written testimony

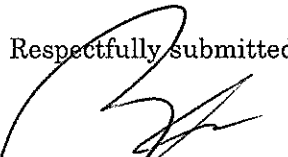
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**\*Christina Swan** – written testimony – Pet Keepers shelter – would have little impact on her shelter – biggest concern is the database – other issue designation of the Hobby Breeder is that a hobby breeder cannot transfer animals to a Pet Vendor – line that exempted animal shelters from health certificates a little confusing – overall would pose a huge burden on animal lovers in general – Work on current laws and put funding where needed

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Respectfully submitted,



Rep. Barbara Comtois  
Clerk





HB688-FN 1:05 pm

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harassment violation

added penalty if a hobby breeder is not registered, they would be subject to \$100

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# SIGN UP SHEET

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To Register Opinion If Not Speaking

Bill # HB 688 Date February 7, 2019

Committee Environment + Agriculture

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
<del>Kim APTA</del>	<del>180 High St Mont Vernon NH</del>				
<del>Ashley Bridges</del>	<del>4 brookview dr Londondr</del>				
<del>SIANNIE WREE</del>	<del>252 WORCE</del>				
Barbara Gingsas					X
Kathy Farley			DOGS-DPCA, MVKC		X
Diane Richardson	Springfield		Self		X
Stacy Ober		(919) 816-3348	AKC		X
Catherine Ford	Brookline, NH	603-672-5556	self		X
Jen Elliott	Concord NH	603-494-4339			X
Bett Sullivan	Amherst NH				X
Lucie MacArthur	12026 Islington St Portsmouth NH	603-293-5044			X
ARA Lynn	New Ipswich	878-3652	Self		X
Christine Swaan	<sup>15 Hazen Dr</sup> North Haverhill NH	03279 603-276-9181			X
Stephanie D'Agostino	<sup>138 Broad Cove Dr</sup> Concord NH	03303 603-568-0412			X
Angela Ferrari	126 Brook Rd, Mont Vernon NH	603			X
Cindy Williams	120 Brook Rd Mont Vernon NH				X
Martha Heckman	53 Wadleigh Pt Rd Kingston, NH				X
CYNTHIA WEBSTER	11 DUBEAU DR DERRY NH				X
Bruce Courcier	434 Tubbs Hill Rd Seelye NH		Lucky Duck Farm		X
Andrea Coursey	8 Hunt Rd Kingston NH				X
Nancy Catalano	122 Mountain View Rd		Deerfield NH		X
Anthony Catalano	125 Mountain View Rd		Deerfield NH		X
Laura Lewis	12 Hall Ave Merrimack	603-853-3784			X



# SIGN UP SHEET

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Committee Emmion & Agr

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Name	Address	Phone	Representing	(check one)	
				Pro	Con
Edward W. Hall	Merrimack NH	603-4389053			X
Rae Schwartz	ATKINSON, NH	603-362-6106			
Andrea Hany	Rindge NH	603-899-5221			X
Joyce Arvela	New Boston, NH	603 533 4930			X
Wendy Selgars	Concord NH	603 496-7887			X
Elizabeth Reed	Concord NH	603-717-8512			X
Peggy Vivinnetto	New Durham NH	603 859 4738			X
Judy Belden	New London, NH	763-5600			X
Fred J Godbout	Milton NH	603-767-8057			X
Robert Christian	Plaistow, NH	(781) 856-3256	New England Reptile		X
Kristine McIntosh	Exeter, NH	(603) 765-7743			X
Kate Champney	Epsom NH	603-736-4406			X
Jason Miller	Exeter, NH	603-685-9872			X
Keely Riley	909 Main St Fremont NH	603-504-0636			✓
Jason Spinney	83 Washington St Seabrook NH	978-504-9837			✓
Julia Peck	21 Kelley Rd Plaistow NH	603 382-2392			X
Bernice Sullivan	469 Atwell Hill Rd Wentworth	764-8565			X
Wilson Pike	Packers Falls Durham				X
Bonnie Pike	Packers Fall Durham				X
Nova Clifford	Epping, NH	603-583-6988			X
Jennifer Farham	Mudbrook Dr Epping NH	603-303-9995			X
Chrissie Gernish	Seabrook NH				X
Rep Jason Jankin			Rock 37		X



# Testimony

Rep. Burby

Testimony HB 688 FN relative to inspection and transfer of animals

Problems with chapter 437

Decade of piecemeal revisions

Repealed and replaced in budget process with some unintended consequences

Great Danes Wolfeboro

Claim: weak animal cruelty laws

Unintended incentives to put it off, impediments to inspection

SB569 cost of care bonding without due process, added inspections, redefinition of commercial kennel and breeding female, money without clarity on how to use.

Interim study

Sen. Bradley's stakeholder meetings

Break one bill out into several

What is the core purpose of 437

Current policy statement: This subdivision establishes standards for the regulation of animal health that are consistent with the pattern established throughout statute by the general court. Animal health regulation shall focus either on those conditions that pose a threat to public health or that would require regulatory intervention to protect the economy of the state, or both.

Approach to animal health

Make sure animals are healthy when they change hands

Make sure that people who transfer animals keep them in healthy conditions

Licensing

Inspections

Primary focus is dogs, cats, ferrets because of high rabies susceptibility.

Other animals in context of high numbers transferred.

Animal welfare is not mentioned in this purpose.

The state focusses on aspects not covered at the federal level

What do the feds do

Sales in interstate commerce- Fed health certificate required for all sales across state lines.

Animal dealer's license required

Pet wholesalers

Pet breeders

Pet retailers with remote sales

Lab animal dealers/breeders

Animal Brokers

Private shelters/rescues.

Charge fee

Not part of state/municipal program

Auctions

Exotic or wild animals unless they fall under an exemption

Wholesale sale of hunting, security, breeding dogs

Exemptions

Retail pet store/direct sales -- buyer, seller, animal are present at point of sale

Retail sale of hunting, security, breeding dogs

Hobby dealer-grosses less than \$500 per year-not wild or exotic animals or cats or dogs

Hobby breeder-cats/dogs no more than 4 breeding females, pocket pets, domesticated farm type animals – sell only offspring of own animals, breeders can't increase numbers by joining together

Public pounds

Non-regulated species-(cold blooded) exempt

Current RSA chapter 437

437:1 Definitions

II **Commercial Kennel** transfers 10 or more litters, 50 or more puppies in 12 month period

IV **Pet Vendor** means any person, firm, corporation, or other entity engaged in the business of transferring live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire.

V. "Transfer" means transfer of ownership of live animals or birds from any person, firm, corporation, or other entity to a member of the public.

Known issues with HB 688 FN as written

To accompany testimony on 2/7/2019  
Rep. Peter Bixby, Straff 17

437:1 I page 1 lines 3-9 animal shelter

To be defined as an animal shelter for this statute, it must be associated with a government entity.

437:1 II page 1 line 10 commercial kennel

Commercial kennel def to be removed to coordinate with bill in Senate.

437:1 IV page 1 lines 14-15 Hobby Breeder

"animals" should be limited to "puppies, kittens, juvenile ferrets"

A lower threshold of more than one litter per year should be added.

A waiver process, either here or at a later point in the bill, should be added to allow someone who exceeds the limit by a little bit one year out of several does not have to become a pet vendor.

437:1 V page 1 lines 16-20 pet vendor.

remove "working dog breeders" here and anywhere it appears in the bill.

consider removing the current language of "or without a fee"

change language to conform with Senate bill. This involves specific numbers for dogs, cats, ferrets, and a process in rules for determining numbers of other animals. Working number for dogs, cats, ferrets would be 30, with the number non-cumulative between species. This is slightly higher than what the Senate has.

437:1 VI page 1 line 22-23 Transfer

Consider removing "member of public...."

437:3 page 1 line 29-30

Change "companion animal" to pet here and anywhere else it appears in bill.

437:4 II page 2 lines 16-17 and 437:4 III page 2 lines 18-19 database

This timeline will not work. Discuss how to change with Commissioner.

437:4 page 2, lines 8-22 database as a whole

There needs to be an appropriation in this bill for this item.

The database must have strict privacy standards so that only authorized personnel can access the individual records.

437:5 III page 2 lines 36-38, page 3 lines 1-5 vendor record keeping

Indicate that the commissioner sets rules for identification by type of animal. Dogs or cats could be by microchip, but fish might be by total number or weight sold.

Consider removing inspection by "any member of public"

437:5 IV page 3

This is existing law, but seems redundant with the above. Ask state vet for clarification.

437:7 page 4 line 11-12 hobby breeder

"A person who transfers...." should be replaced with "hobby breeder as defined in 437:1"

437:7 II page 4 line 18-20 hobby breeder inspection

remove scheduled inspections

437:7 III page 4 line 22

remove "any member of the public"

437:7 IV page 4 lines 29-30

probably redundant and removeable

437:7 VI page 4 line 32 sales to pet vendor

This would be exempt under federal law, and we should probably follow suit.

437:10 page 5 line 19-20 exceptions

Remove " breeders of dogs that do not meet the definition of commercial kennel in RSA 437:1"

437:10-a III page 5, lines 35-38, page 6 lines 1-2 hobby breeder regular inspection.

Remove this section. regular inspections are not needed.

437:10-a IV page 6 line 7

We need to determine the legal status of charging someone with harrassment. Is that a thing in a legal sense? How would one do it? I feel strongly we should keep this concept, if not this wording. We do not want this law to become a vehicle for a spiteful person to harrass a dog owner.

437:10-b page 6 line 8

change to "pets"

437:10-b II page 6 line 23

The first sentence is redundant and should be removed:

"No person, firm, corporation, or other entity shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. "

437:10-b II (b) page 7 lines 28, 31, 34, 35

change animals to dogs, cats, ferrets and remove birds as needed.

437:10-b II page 7 line 2

rabies vaccination language needs correcting

437: 10-b IV transfer requirement for hobby breeders

this information is missing

437:10-d II page 8 line 16-30

remove working dogs

clarify that the only member of the public who gets to inspect health certificate is a potential purchaser of the dog/cat/ferret.



Typewriter

2

~~Thurs.~~ 2-2-19 Thurs.  
1 pm 301-303  
Env. & AS

NO ON HB 688

Some of my objections on this Bill:

A hobby Breeder transferring one puppy or having a litter in the home should not have to have an inspection that I would consider an invasion of my privacy.

Also, I question the qualifications the person would have coming into my home. I would not want an individual who previously had inspected a home coming to my home with puppies <sup>that</sup> who are too young to vaccinate and may bring an illness to my puppies.

NH has many good laws already to safeguard pets. These laws need to be enforced, not new laws that infringe on a person breeding one litter a year.

Thank you  
Pat Ciampa  
Merrimack NH

**437:2 Declaration of Policy.** – This subdivision establishes standards for the regulation of animal health that are consistent with the pattern established throughout statute by the general court. Animal health regulation shall focus either on those conditions that pose a **threat to public health** or that would require regulatory intervention to **protect the economy of the state**, or both.

**437:3 Requirements.** –

conditions of issuance: application, fee, zoning, etc.

I. Maintain in a clean and sanitary condition

II. **Submit premises, buildings and other enclosures to unannounced inspection** by department employees or local animal control, law enforcement, or health officials at reasonable times.

III. **Maintain, subject to inspection by the commissioner, his or her agent, local officials, law enforcement, or any member of the public, a proper record in which all live animals or birds customarily used as household pets obtained or transferred shall be listed, giving the breed, date the animal was obtained and transferred, and from whom the animal or bird was obtained and to whom the animal was transferred.** Such record shall also show the microchip, leg band, or tattoo number of each animal or bird, where applicable. Animals or birds that do not bear such identification shall be identified by recording markings, a physical description and any other information as the commissioner deems necessary to identify such animals or birds.

IV. Keep records of all animals or birds intended for transfer indicating identification, point of origin, and recipient, and shall submit said records to the commissioner upon request.

V. Abide by such other rules as the commissioner may adopt to control disease.

**437:4 Refusal to Issue; Revocation of License:** reasons a person would be disqualified

**437:5 Prohibition.** – **No licensee under this subdivision shall transfer, other than to a qualified veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other than as permitted under RSA 437:8, II nor shall any licensee treat inhumanely any animal or bird in his or her care or possession or under his or her control**

**437:6 Health Management; Dogs, Cats, and Ferrets.** –

I. **Medical treatment and use of controlled drugs** on any animal or bird under the care or possession or under the control of any licensee other than a veterinarian may be administered **only under the direction and supervision of a veterinarian** for the purposes of this subdivision.

II. Pet lemon law. Can return animal if independent vet certifies problems.

**437:7 Exceptions.** – **The license provisions of this subdivision shall not apply to breeders of dogs that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of livestock or poultry.** [this is where hobby breeders and amateur breeders are currently exempted]

437:8 Health Certificates for Dogs, Cats, and Ferrets. –

I. For purposes of this chapter, an official health certificate means a certificate signed by a licensed veterinarian, containing the name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included on or attached to the certificate.

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection by the department, local officials, or a member of the public upon request up to one year after the animal has left the facility. The public shall be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, that animal's health certificate shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has caused it to fail its examination by a licensed veterinarian for an official health certificate. The transferee shall sign a waiver that indicates the transferee has knowledge of such dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.

This section could be read as ambiguous about whether a license exempt seller needs to provide a health certificate, but Ag rule 1706 clarifies that such seller does need to.

III. No person, firm, corporation, or other entity shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or ferret less than 8 weeks of age. Age limit

IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian separated from other animals on the premises before being offered for transfer. quarantine of out of state dogs

V. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements of this section relative to transferring dogs, cats, and ferrets except that:

(a) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or microchip registries.

(b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other

permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

Animal shelter exemption and requirements. rationale: repeated certificates for animals held for indeterminate amount of time = financial burden on non-profit

**437:9 Rulemaking Authority.** aspects of statute for which department must make rules

**437:10 Penalty. –**

I. Any pet vendor who transfers live animals or birds customarily used as household pets in this state without having a license to do so as required by this chapter shall be guilty of a misdemeanor.

II. In addition to the penalty under paragraph I, any pet vendor who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation. Punishment for selling without license or violating other provisions

Section by section summary

Current version of HB688, how each section relates to current law, what problem change responds to, noted flaws and possible amendments

Transfer of Animals or Birds. RSA 437:1-10 are repealed and reenacted to read as follows:

437:1 Definitions. In this subdivision:

I. "Animal shelter facility" means:

(a) A facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated, and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals; and

(b) A public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

This section is largely similar to the existing definition, but the way (a) and (b) are broken out resolves an ambiguity in existing law the wrong way. (a) and (b) both need to contract with a municipality.

II. "Commercial breeding kennel" means any person, business, corporation, or other entity that transfers 31 or more puppies in any 12-month period.

This section was revised to co-ordinate with the hobby breeder definition, but following the lead of Sen. Bradley's related bill, we may want to eliminate it.

III. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

IV. "Hobby breeder" means a breeder who transfers animals for a fee and transfers 30 or fewer animals per year.

Intent: We know most small breeders are responsible, but transferring live animals to the public creates health and welfare responsibilities. Making sure small breeders are aware of these responsibilities and carry through on them is important.

One constituent

a distinction between hobby breeders, who do it for breed improvement and belong to reputable associations,

vs. independent amateur or "backyard" breeders who may be less careful about the needs of the animals.

Makes sense, but federal law uses hobby in more general sense

Needed changes: "animals" becomes "puppies, kittens, juvenile ferrets".

This definition implies that the person becomes a breeder with animal number 1.

administrative hassles for someone who breeds only intermittently.

I would suggest it change to more than 1 litter per year.

puppies, kittens and ferrets should not be added together for the 30.

It might also make sense to create a waiver in case one or two extra large litters cause a one year bump over the limit.

V. "Pet vendor" means any person, firm, corporation, or other entity engaged in the business of transferring live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire. "Pet vendor" shall not include animal shelter facilities, hobby breeders, and working dog breeders.

The first sentence is identical to current law.

"working dog breeders" is a drafting error.

In order to coordinate with the Senate bill, change to something like

that transfers more than 30 dogs, cats, or ferrets, or other animals in species appropriate amounts as determined by the Commissioner.

This would include small mammals, birds, reptiles, amphibians, and fish. Specific numbers are still open to discussion. This version is a bit higher than the current Senate recommendation.

VI. Transfer" means transfer of ownership of live animals or birds from any person, firm, corporation, or other entity to a member of the public who will be the intended final owner of the transferred animal.

Current law has member of the public, and the department clarified to me that the intent was that member of the public meant intended final owner, and that a pet vender, broker or dealer would not count.

Federal law allows a hobby breeder to sell to a licensed animal dealer.

We could consider adopting that exemption as well.

437:2 Declaration of Policy. This subdivision establishes standards for the regulation of animal health and welfare that are consistent with the pattern established throughout statute by the general court. Animal health regulation shall focus either on those conditions that pose a threat to public health, that would require regulatory intervention to protect the economy of the state, and on assuring the humane treatment of animals.

I have added humane treatment to the existing policy declaration

437:3 Companion Animal Welfare. There is established in the department of agriculture, markets, and food a program to oversee companion animal welfare. The program shall:

change to "pet"

I. Develop and oversee a database tracking animal transfers, animal health certificates, rabies vaccinations, licensing and registration of pet vendors, shelters, and hobby breeders.

II. Perform regular inspections and inspections of licensees and registrants upon receipt of a complaint.

III. Oversee the licensure and registration of pet vendors, shelters, and hobby breeders.

IV. Provide education and advice to animal control officers, and local and state law enforcement on animal welfare and animal cruelty prevention.

V. Investigate transfers of animals that violate this subdivision.

The department currently has no focussed program for animal welfare. It is just part of the mix. Creating a new division would have added an administrative and financial burden. Having a program will help focus resources.

437:4 Animal Transfer Database Established.

Currently, there is no electronic method of record keeping for animal records. Up until 2017, one sheet of a health cerficate triplicate for was sent to the department. They just accumulated in file boxes and were impractical to refer to. There was no staff time available to deal with them.

One of the only ways the department can become aware of animal selling entities that are selling enough animals to require licensing is through the submission of health certificates. There needs to be a good, time efficient, technologically appropriate way to track the animal records the state requires. If the point of this entire subchapter is to help protect public health, the department needs the tools to do that job.

Hence, the data base.

I. The department shall maintain a statewide database of all persons licensed as pet vendors or animal shelters, persons registered as hobby breeders; health certificates for any transfer of a dog, cat, or ferret for which it is required; records of all rabies vaccinations, records of quarantine for any animal brought into New Hampshire for transfer; any records required of pet vendors for the transfer of any animal that is not a dog, cat, or ferret, and the number of individual and group licenses issued each year by each municipality in New Hampshire under RSA 466.

II. The department shall maintain a reporting system capable of receiving electronically transmitted reports from veterinarians, pet vendors, animal shelters, and hobby breeders, within 6 months of the effective date of this section.

III. In addition to the department's reporting responsibilities under this section, beginning in 2020 the department shall submit a biennial report to the standing committees overseeing animal issues in both the house and the senate on or before August 1, regarding the number of transfers made, the number of licenses and registrations for animal transferors issued, and the number of individual and group licenses issued each year by each municipality in New Hampshire.

The time table in the bill as written is unworkable, and needs to be revised.

There needs to be an appropriation written into the bill to make the database possible.

The database needs to have privacy protections put in place so that the records of pet owners, breeders, and vendors will not be openly accessible.

437:5 Pet Vendor License Requirements. No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license, giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a renewal application and fee. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures used in the business of dealing in live animals or birds customarily used as household pets.

II. Submit premises, buildings, and other enclosures to unannounced inspection during regular and customary business hours by department employees or local animal control, law enforcement, or health officials at reasonable times.

III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law enforcement, or any member of the public, a proper record in which all live animals or birds customarily used as household pets obtained or transferred shall be listed, including the breed, date the animal was obtained and transferred, and from whom the animal or bird was obtained and to whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo number of each animal or bird, where applicable. Animals or birds that do not bear such identification shall be identified by recording markings, a physical description and any other information as the commissioner deems necessary to identify such animals or birds.

"Member of the public" is in existing law. We may want to change this

IV. Keep records of all animals or birds intended for transfer indicating identification, point of origin, and recipient, and shall submit said records to the commissioner upon request.

This is in existing law, but it seems to be redundant with the above paragraph.

V. Abide by such other rules as the commissioner may adopt to control disease.

VI. Licensees without a physical facility in New Hampshire shall be exempt from facility inspection, however an interstate certificate of veterinary inspection meeting the requirements of the United States Department of Agriculture, Animal and Plant Health Inspection Service, from the state of origin for every imported dog, cat, or ferret handled by the licensee shall be submitted to the department for inclusion in the animal transfer database within one month of the date the certificate was issued.

437:6 Animal Shelter License Requirements. No animal shelter shall transfer animals or birds without a license. An animal shelter shall apply to the commissioner for a license, giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a renewal application and fee. No licenses shall be transferable. An animal shelter licensed under this subdivision shall:

I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures used in the business of dealing in live animals or birds customarily used as household pets.

II. Submit premises, buildings, and other enclosures to unannounced inspection during regular and customary business hours by department employees or local animal control, law enforcement, or health officials at reasonable times.

III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law enforcement, or any member of the public, a proper record in which all live animals or birds customarily used as household pets obtained or transferred shall be listed, including the breed, date the animal was obtained and transferred, and from whom the animal or bird was obtained and to whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo number of each animal or



bird, where applicable. Animals or birds that do not bear such identification shall be identified by recording markings, a physical description and any other information as the commissioner deems necessary to identify such animals or birds.

IV. Keep records of all animals or birds intended for transfer indicating identification, point of origin, and recipient, and shall submit said records to the commissioner upon request.

V. A licensee under this section shall not be required to submit a health certificate to the department at the time of transfer. However, such licensee shall notify the department that such transfer has taken place. The licensee shall also advise the transferee in writing to have a health certificate completed by a licensed veterinarian within 14 days of the transfer.

VI. Comply with such other rules as the commissioner may adopt to control disease.

VII. Have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or microchip registries.

VIII. Inspect for tattoos, ear tags, or other permanent forms of positive identification on animals where an owner is not known and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

Under current law, the main differences between the shelter requirements and the pet vendor requirements are that shelters are not required to do health certificates and they are required to have a means to identify the owner of a stray. Current law encodes these differences as exemptions and exceptions to exemptions. This bill cleans this up by making them a separate category. This bill also adds the requirement that shelters notify the department of transfers, and that they advise the transferee of the need to have a health certificate examination for the animal.

437:7 Hobby Breeder; Registration Requirements. A person who transfers animals for a fee and transfers 30 or fewer animals in a year shall register with the department. The application shall be accompanied by a non-refundable \$10 fee. All registrations shall expire on June 30 of each year and be subject to renewal upon submission of a renewal application and fee. No registrations shall be transferable. A hobby breeder registered under this subdivision shall:

This sentence should be replaced with one that spells out the requirement in terms of "hobby breeder as define in 437:1"

I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures used in the business of dealing in live animals customarily used as household pets.

II. Submit premises, buildings, and other enclosures to scheduled inspections by department employees or local animal control, law enforcement, or health officials at reasonable times.

I got the idea of having scheduled inspections after talking with an AKC breeder who had recently had an inspection from the AKC, had not found it intrusive, and thought it was a good idea to make sure that breeders were doing the right thing. Email responses to the bill have convinced me it probably does not make sense.

III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law enforcement, or any member of the public, a proper record in which all live animals customarily used as household pets obtained or transferred shall be listed, including the breed, date the animal was obtained and transferred, and from whom the animal or bird was obtained and to whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo number of each animal or bird, where applicable. Animals that do not bear such identification shall be identified by recording markings, a physical description and any other information as the commissioner deems necessary to identify such animals.

member of public should be removed

IV. Keep records of all animals intended for transfer indicating identification, point of origin, and recipient, and shall submit said records to the commissioner upon request.

Probably redundant

V. Provide a health certificate in accordance with RSA 437:10-d to the transferee.

VI. Shall not transfer animals to pet vendors.

This could possibly be amended to be consistent with the federal exemption.

VII. Comply with such other rules as the commissioner may adopt to control disease.

437:8 Refusal to Issue; Suspension or Revocation of License or Registration. The commissioner, after notice to the licensee or registrant and opportunity for hearing, as set forth in the rules adopted under RSA 437:10-e, may deny an application, suspend or revoke a license or registration for any of the following reasons:

- I. The applicant, licensee, or registrant violated the statutes of the state of New Hampshire or of the United States or any rule adopted by the commissioner pursuant to this chapter;
- II. The applicant made false or misleading statements in his or her application for a license or registrant;
- III. The licensee or registrant knowingly transferred any animal affected with a communicable disease except as allowed under RSA 437:9 and RSA 437:10-d, II;
- IV. The licensee or registrant ceased to operate the business for which the license or registrant was issued;
- V. The conditions under which the license or registration was issued are not being maintained; or
- VI. The applicant, licensee, or registrant held any similar license or registration issued in another jurisdiction or by the United States Department of Agriculture which was revoked or suspended by that jurisdiction or by the United States Department of Agriculture as a result of engaging in conduct prohibited by RSA 437 during the preceding 5 years.
- VII. Decisions of the commissioner shall be subject to rehearing and appeal under RSA 541.

This section is current law

437:9 Prohibition. No licensee or registrant under this subdivision shall transfer, other than to a qualified veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other than as permitted under RSA 437:10-c, II, nor shall any licensee or registrant treat inhumanely any animal or bird in his or her care or possession or under his or her control.

#### Current law

437:10 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of livestock or poultry.

This should have been removed. drafting error

437:10-a Inspections. Inspections of facilities of licensees and registrants under this subdivision shall occur at the following times:

I. For pet vendors with a physical facility in New Hampshire:

- (a) At the time of the initial application for a license.
- (b) One random, unannounced inspection within 5 years of the previous inspection.
- (c) A follow up inspection to determine if deficiencies found on the previous inspection have been corrected.

II. For animal shelters:

- (a) At the time of the initial application for a license.
- (b) One random, unannounced inspection within 5 years of the previous inspection.
- (c) A follow up inspection to determine if deficiencies found on the previous inspection have been corrected.

Until 2017, annual inspections were required as part of the license renewal process. The inspections were removed in the 2017 budget bill because they cost a lot of staff time, and annual inspections rarely revealed significant problems. The five year, unannounced time frame for commercial facilities reduces the burden on the department. At the same time, the potential of being inspected creates an incentive to maintain compliance.

III. For hobby breeder or working dog breeder registrants:

- (a) A scheduled inspection within one year of registration.
- (b) One scheduled inspection within 5 years of the previous inspection. Records of inspection by a breed association, such as the American Kennel Club, approved by the department may be used in lieu of a scheduled inspection.
- (c) A follow up inspection to determine if deficiencies found on the previous inspection have been corrected.

As previously noted, regular inspections for hobby breeders are probably unnecessary. Even with the possibility of substituting a breed organization inspection, the process could be too intrusive, and not necessarily useful.

IV. Any licensed pet vendor or animal shelter or registered hobby breeder or working dog breeder may be inspected if the department receives a written and signed complaint regarding such licensee or registrant. The department shall not disclose the name of the complainant unless required to do so for court proceedings. A complainant with a pattern of unfounded complaints may be charged with harassment.

The possibility of inspection on complaint is critical for maintaining animal welfare. If the breeders in Wolfeboro and Marlboro, among others, had been registered, a department inspection could have been requested before the problems got significantly out of hand. Department inspections are based on the assumption that people can come into compliance with appropriate advice and guidance, without the need for criminal charges. If the only way to assess a potential neglect case is establishing probable cause and getting a warrant, the process necessarily becomes adversarial. The delay between noting a possible problem and having enough evidence to establish probable cause means that the animals will suffer more and longer if there is a problem.

437:10-b Requirements for the Transfer of Companion Animals.

"pets"

I. For transfers of animals originating outside of New Hampshire:

(a) No person, firm, corporation, or other entity shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

(b) Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian separated from other animals on the premises before being offered for transfer and shall be accompanied by an interstate certificate of veterinary inspection that meets the standards of the United States Department of Agriculture, Animal and Plant Health Inspection Service.

(c) Evidence of the satisfaction of the quarantine requirement in subparagraph (a), the accompanying interstate certificate of veterinary inspection, and the issued health certificate upon transfer shall be reported to the department.

(a) and (b) are existing law. (c) creates a reporting requirement.

II. For transfers of animals from licensed pet vendors:

(a) No person, firm, corporation, or other entity shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

This sentence should have been removed. its redundant

(b) All dogs, cats, and ferrets transferred to or from the vendor shall be recorded in the licensee's records. Records of all animals transferred to or from the vendor shall also be submitted to the department for inclusion in the transfer database established in RSA 437:4. Each record shall include:

(1) Clear identification of the animal by microchip, tattoo, or leg band number if available. If these are unavailable, identification by a physical description that includes markings and other characteristics which may be required by the commissioner under rules.

(2) The breed of the animal.

(3) The date the animal or bird was obtained and transferred, and name and address of the person from whom the animal or bird was obtained.

(4) The name and address of the person to whom the animal was transferred on the date of transfer.

(5) A copy of the health certificate issued under RSA 437:10-d

(6) Certification of rabies vaccination

Need to be changed. transfer can occur before the animal is old enough for rabies shot

(7) Documentation of any veterinary examinations, treatments, or procedures.

(c) The licensee shall provide the transferee with a copy of a health certificate issued under RSA 437:10-d and a rabies certificate.

Need to be changed. transfer can occur before the animal is old enough for rabies shot

(d) The licensee shall provide the transferee with written information regarding the provisions of RSA 437:10-c, II.

(e) All other animal transfers shall be recorded in licensee's records and reported to the database as may be required in rules. At the least, the total number of transfers of each type of animal shall be reported.

III. For transfers of animals from licensed animal shelters:

(a) No person, firm, corporation, or other entity shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

(b) All animals transferred to or from the vendor shall be recorded in the licensee's records. Records of all animals transferred to or from the vendor shall also be submitted to the department for inclusion in the transfer database established in RSA 437:4. Each record shall include:

(1) Clear identification of the animal by microchip, tattoo, or leg band number if available. If these are unavailable, identification by a physical description that includes markings and other characteristics which may be required by the commissioner under rules.

- (2) The breed of the animal.
- (3) The date the animal or bird was obtained and transferred, and name and address of the person from whom the animal or bird was obtained.
- (4) The name and address of the person to whom the animal was transferred on the date of transfer.
- (5) If obtained, a copy of the health certificate issued under RSA 437:10-d.
- (6) Certification of rabies vaccination if the animal is over 12 weeks of age.
- (7) Documentation of any veterinary examinations, treatments, or procedures.
- (c) If no health certificate is provided, the licensee shall advise the transferee in writing to have a health certificate completed by a licensed veterinarian within 14 days of transfer.
- (d) The licensee shall provide the transferee with written information regarding the provisions of RSA 437:10-c, II.

Transfer requirements for hobby breeders have been omitted. Should be like II (a)-(c) above.

#### 437:10-c Health Management; Dogs, Cats, and Ferrets.

- I. Medical treatment and use of controlled drugs on any animal or bird under the care or possession or under the control of any licensee other than a veterinarian may be administered only under the direction and supervision of a veterinarian for the purposes of this subdivision.
- II. Within 14 days of transfer, the transferee of a dog, cat, or ferret from a licensee may have the dog, cat, or ferret examined by a licensed veterinarian selected by the transferee and, unless said examination indicates the dog, cat, or ferret to be free of disease, the transferee shall be entitled to substitution or, at the transferee's option, a full refund of the purchase price of the dog, cat, or ferret, if applicable, upon return of the dog, cat, or ferret to the licensee within 2 business days of said examination, accompanied by the veterinarian's statement that the animal is not free of disease.

this is existing law

#### 437:10-d Health Certificates for Dogs, Cats, and Ferrets.

- I. For purposes of this chapter, an official health certificate means a certificate signed by a licensed veterinarian, containing the name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included on or attached to the certificate.
- II. A health certificate shall be issued for every dog, cat, or ferret transferred by a pet vendor or hobby breeder or working dog breeder within this state. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, uploaded the animal transfer database and made available

for inspection by the department, local officials, or a member of the public upon request up to one year after the animal has left the facility. The public shall be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, that animal's health certificate shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has caused it to fail its examination by a licensed veterinarian for an official health certificate. The transferee shall sign a waiver that indicates the transferee has knowledge of such dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.

#### re-examine the public inspection part

437:10-e Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

- I. The information required from an applicant for a license as a pet vendor or animal shelter;
- II. The information required from an applicant for a registration as a hobby breeder or working dog breeder.
- III. The health and sanitation standards to effectuate the purposes of this subdivision;
- IV. Information required to be maintained in records of pet vendors regarding identifying features of animals or birds obtained and transferred; and
- V. Notice and hearing on the refusal to issue, suspension, or the revocation of a license or registration.

437:10-f Penalty.

- I. Any pet vendor who transfers live animals or birds customarily used as household pets in this state without having a license to do so as required by this chapter shall be guilty of a misdemeanor.
- II. In addition to the penalty under paragraph I, any pet vendor who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.
- III. Any hobby breeder who transfers live animals or birds customarily used as household pets in this state without having a registration to do so shall be guilty of a violation and subject to a fine not to exceed \$100.

If some should have registered, and failed to through ignorance, the department or law enforcement have the option of not charging, and if there is a charge, the judge would have the option of minimizing any fine.

2 Effective Date. This act shall take effect January 1, 2020.

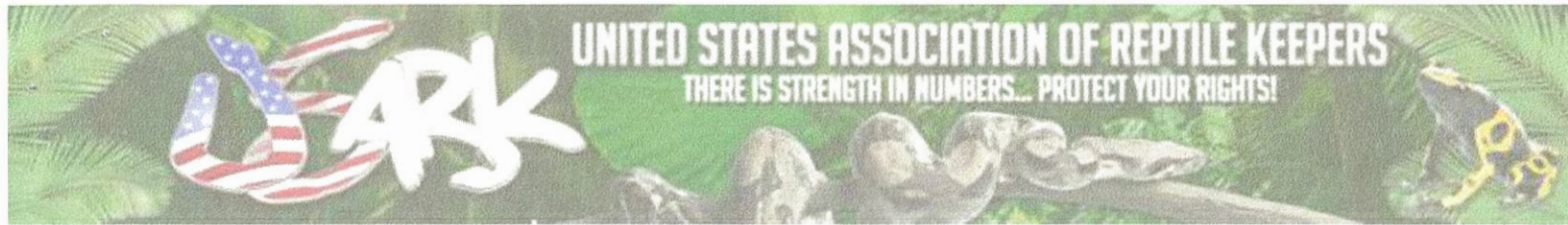
Other comments from emails that have not been addressed by responses above:

This bill is unclear about how to deal with transfers from rescues.

This is an issue we need to look into. There is not a clear category for them in current law. We did not include them in this bill.

There was a concern that bill would require hobby breeders to house their animals in sterile conditions. This is not correct. It requires that they be housed in clean and sanitary conditions. Any household conditions that would be acceptable for a family to live in would qualify as clean and sanitary.





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February 5, 2019

Re: Opposition to House Bill 688, an Act relative to transfer and inspection of animals

Members of the New Hampshire House Environment and Agriculture Committee,

The United States Association of Reptile Keepers (USARK) appreciates the opportunity to submit this opposition to House Bill 688, an Act relative to transfer and inspection of animals, on behalf of our many members residing in New Hampshire. As the only national advocacy representing solely the interests of responsible reptile and amphibian keepers, we understand these species are often in the forefront of new regulations and laws. We work to provide education through fact and legitimate science with government agencies across the country. In this instance, our interests may stand as more of an afterthought, but no less affected by this broad-reaching proposed legislation than any other animal interest group.

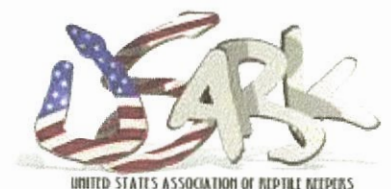
For over ten years USARK has been monitoring and responding to proposed legislation across the country. HB688 is one of the greatest demonstrations of government overreach we have witnessed. The bill is completely irreparable and needs to be met with an absolute roadblock rather than attempts to amend.

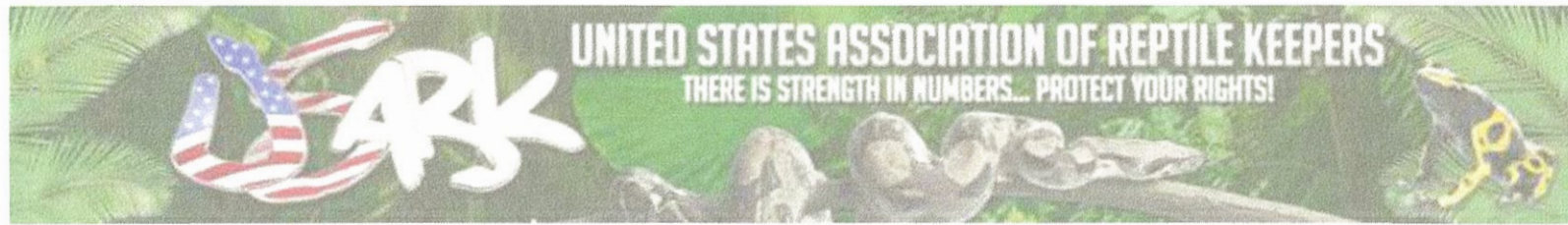
This bill will force good law-abiding citizens of New Hampshire to surrender their 4<sup>th</sup> Amendment rights. Under the U.S. Constitution, citizens have the right to be secure in their homes against unreasonable searches and seizures. This bill violates the 4<sup>th</sup> Amendment by providing officials and law enforcement with the authority to treat law-abiding citizens like criminals. Actually, it goes even further. While warrants are needed to search a criminal's home, no warrants are required to invade the privacy and homes of people who want to sell a hamster, parakeet, dog, tortoise, or any other animal.

Can you imagine being treated like a criminal, having your home raided because you had a litter of puppies or you hatched a couple gecko eggs and wanted to sell or just rehome them? Is there no real crime happening in New Hampshire that the State's resources must be now utilized to attack law-abiding citizens? Law enforcement should be dealing with actual criminals and not going through the homes of a large proportion of the public who happen to breed animals that would be encompassed by this proposal.

The proposed Animal Transfer Database is intended to collect massive amounts of data, and it is unlikely you are prepared to handle just how many people and animals will be affected by this

United States Association of Reptile Keepers (USARK)  
www.USARK.org | info@USARK.org





enforcement nightmare that has been proposed. Whatever its actual intent, this database could certainly serve as a means for radical animal rights groups to progress their agenda of removing

all animals from our lives. This database will be exploited by extremists. The animal rights zealots will have easy access to what should be confidential information and will abuse that data to perform what they consider vigilante justice.

New Hampshire already has animal welfare and cruelty laws. The current applicable laws need to be enforced. Due to the existence of current laws, this bill is yet another solution in search of a problem. Meaning, HB688 creates troubles that do not currently exist while not resolving any issues. There is no need or valid rationale for passing laws such as this.

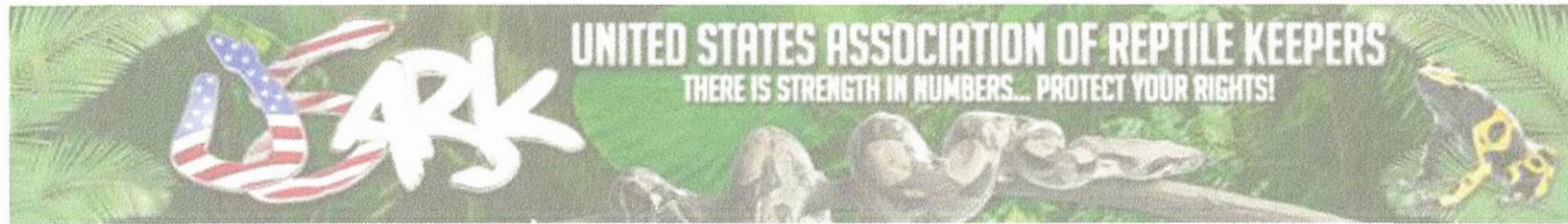
Collective punishment (punishment of everyone due to the actions of one or a few) is never a good government practice. Proposals such as this are often knee-jerk reactions to incidents from bad actors or irresponsible people. When such unjust laws are passed, it will be the few good citizens who know of the law who will even try to follow it.

Compliance with this proposal means being burdened with newly invented or updated fees, loss of 4<sup>th</sup> Amendment rights, surrender of a great deal of personal information, and more. Meanwhile, plenty more good responsible animal owners will likely never hear of this law. The irresponsible people who are meant to be caught in their actions through this extensive database will simply continue to do business as they see fit and will likely never be caught via this utterly expansive and invasive law.

This is not a law that should exist. It is government overreach, pure and simple. At best, this proposed law can only be expected to be selectively enforced, when law enforcement finds an easy target following a complaint. This is the type of law that reasonable judges shake their heads at and ask, "Why?" These types of laws are quickly abolishing what little freedom we have left in America.

Here is a list of just some of the issues with HB688:

1. Every person breeding or selling pet animals at any level must surrender all privacy rights, including 4th Amendment of the U.S. Constitution, to the State;
2. Radical animal rights groups will use the gathered information to advance their agenda of removing all animals from our lives as they will have easy access to every animal breeder and seller in the State, as well as those who purchased animals;
3. The proposed Animal Transfer Database is completely irrational and lacking of any forethought;
4. The Animal Transfer Database itself is rife with unintended consequences while also being entirely unrealistic to complete and enforce;



5. The Animal Transfer Database will be massive, costly, and time-consuming, with little to no payoff for the citizens and animals of New Hampshire;
6. New Hampshire already has sufficient animal cruelty and welfare laws. Those laws need to be enforced;
7. Even those who unintentionally produce animals would be subject to this law. Examples:
  - a) Certain reptile species can reproduce through parthenogenesis (a mode of asexual reproduction, or no mate needed);
  - b) Some animals can reproduce utilizing sperm retention, meaning pregnancy may occur years after the actual breeding act;
  - c) An unknowing buyer may purchase an animal which is already pregnant.
8. A new and superfluous division of the Department of Agriculture will be created which is a wasteful use of tax dollars;
9. This is but another law which will punish responsible citizens with hefty fees and invasions of privacy, while criminals will go unpunished, as fair enforcement of such a broadly-applicable law will be impossible;
10. Legislators are completely unaware of the expansiveness of this proposal, and quite simply the impossibility to complete such an overly ambitious database;
11. The bill will yield scores of unintended consequences;
12. Redundancies and contradictions throughout the bill clearly display a lack of forethought and review;
13. This gross misuse of tax dollars and government resources is appalling;
14. The current regulation (RSA 437:1-10) will be repealed and replaced with more than double the amount of text;
15. Why would someone who breeds his dogs one time or has a litter of rabbits or hatches a clutch of two leopard gecko eggs be expected to know about this law? Even worse, if such a person does not find out about it, he will be a criminal!

Please do what is right for New Hampshire, the animals, pet owners, and your constituents by stopping HB688 dead in its tracks. Thank you for your time and have a good day.

Sincerely,

*/s/ Phil Goss*

President of USARK  
President@USARK.org

More about USARK:

USARK is a registered 501(c)(6) non-profit national advocacy protecting the freedom of Americans to responsibly keep reptiles and amphibians. We are a science, education, and conservation based non-profit membership organization. We represent pet owners, conservationists, business owners, veterinarians, and scientists who work with reptiles and amphibians. We are the only national advocacy representing solely the reptile and amphibian keeping community, and true subject matter experts.

USARK is dedicated to species conservation through responsible captive propagation, and endorses a Keepers' Code of Ethics. We regularly provides science-based education to government agencies and officials at the federal, state, and local levels.

United States Association of Reptile Keepers (USARK)  
www.USARK.org | info@USARK.org





Avicultural Society of America  
 PO Box 3161  
 San Dimas, CA 91773

info@asabirds.org

February 5, 2019

Committee on Environment and Agriculture

Chairman Amanda Gourgue  
 VChairman Peter Bixby  
 Clerk Barbara Comtois  
 Jane Beaulieu(D)  
 Donna Ellis(D)  
 Beth Richards(D)  
 Catherine Sofkitis(D)

Andrew Bouldin(D)  
 Jacqueline Chretien(D)  
 Sherry Dutzy(D)  
 Liz McConnell(D)  
 Megan Murray(D)  
 John O'Connor(R)  
 Howard Pearl(R)

Kevin Verville(R)  
 Judy Aron(R)  
 Harry Bean(R)  
 Michael Furbush(R)  
 Charles Melvin(R)  
 Harry Viens(R)

RE: HB 688 and Animal Transfer Database are bad for NH

Dear Honorable Committee members:

As president the Avicultural Society of the United States, the oldest avicultural society in the United States, I am writing to implore you to really scrutinize the irrationality, cost and impracticality of HR 688.

It is no secret the agenda of many Animal Rights extremists is to ignore proven human/animal bond science and continue with legislative proposals that erode animal ownership and use. When organizations with more knowledge about raising money propose laws criminalizing people with hands on animal husbandry and welfare experience, the result is a disaster with unintended consequences. Such is the situation with HB 688.

New Hampshire has more than adequate animal welfare laws that should be enforced. Subjecting your citizens to unannounced inspections, mandatory registration, which would require personal information such as address, be made public. It is unfathomable that law abiding citizens may be confronted in their homes as if criminals for breeding a parakeet or raising a lizard. The dark side of animal extremism has bad apples that might attack law abiding citizens in their homes.

The very existence of the following page is proof HB 688 would possibly place law-abiding citizens in harms way from animal rights extremists. From [www.fbi.gov/news/stories/animal-rights-extremists](http://www.fbi.gov/news/stories/animal-rights-extremists): in 2006 Congress passed the Animal Enterprise Terrorism Act, strengthening an existing statute and allowing the Department of Justice greater authority to target animal rights extremists. The law also offers more protections to those involved in animal research or who work in the animal industry—the usual victims of animal rights extremists.

In closing, I ask you to do your homework and find the true costs of this unconstitutional bill in dollars, people and the animals.

Sincerely,

Carol Stanley

President  
 Avicultural Society of America



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## Organization of Professional Aviculturists

February 6, 2019

### **Re: Opposition to HB688**

To whom it may concern:

This comment is on behalf of the Organization of Professional Aviculturists (OPA) proposed HB688.

The Organization of Professional Aviculturists (OPA) is a trade and conservation organization that represents the interest of breeders and keepers of avian species. Our members are dedicated to protecting avian species in the wild, while also to learning how to best raise, care for, and manage these species in hope that our actions will provide a genetic repository for endangered species, an intellectual repository of husbandry practices, and a steady stream of specimens that will reduce the profitability of the illegal trade in avian species.

The OPA opposes the proposed bill HB688.

The OPA would like to bring to the attention of the New Hampshire House of Representatives the potential constitutional infirmity of its proposed bill. As currently written the bill proposes a inspection scheme that would require individuals covered by the act to “submit premises, buildings, and other enclosures to unannounced inspections.” Further, those inspections could be carried out by “the commissioner,

his or her agent, local officials, law enforcement, *or any member of the public.*” This scheme, as currently constituted, appears to run afoul of the Fourth Amendment right against unreasonable searches. The Supreme Court in its recent decision *City of Los Angeles, Calif. v. Patel*, 135 S. Ct. 2443, 2446, (2015), found a similar inspection scheme facially unconstitutional for failure to include the ability of pre-compliance review. While it is true that administrative searches are exception to the warrant requirement, outside of the closely regulated industries, failure to include a pre-compliance review procedure results in a per se violation of the 4th Amendment to the Constitution.

The pet industry is not one of the four closely regulated industries announced by the Supreme Court. Therefore, the failure of the proposed bill to include a pre-compliance review procedure, and a requirement that the availability of the procedure be announced would open up the State of New Hampshire to litigation if this bill would become law. This possibility is increased by the delegation of the unconstitutional administrative search procedures to the public. A search, even of legally required records by a member of the public is per se unconstitutional, as it delegates state power to the un-reviewable actions of the public. The State of New Hampshire appears to be attempting to circumvent the requirements of the 4th Amendment by delegating the enforcement of its laws to non-state actors. Both these constitutional infirmities would exposes the state to litigation. The OPA requests that the New Hampshire House of Representatives reconsider its proposed bill in light of the potential violations of the U.S. Constitution.

Thank you for your consideration,

/s/ Steve Duncan

*Member of the Board of Directors*

Organization of Professional Aviculturists

P.O. Box 3161

San Dimas, CA 91773



February 6, 2019

House Environment and Agriculture Committee  
107 North Main Street, LOB Room 303  
Concord, NH 03301

Chairman Gourgue and Members of the House Environment and Agriculture Committee:

In recent years, radical animal rights groups, such as Humane Society of the United States (HSUS) and People for the Ethical Treatment of Animals (PETA) have turned repeatedly to a disturbing tactic of singling out individual animal owners and animal related businesses by publishing their names, their addresses, private business information, and photographs of their animals and place of business on-line, while falsely manipulating the information with the intent of damaging their business, and discouraging customers and advertisers from continuing their business relationship, and even bringing personal harm to their animals and property.

Accordingly, I am writing to OPPOSE HB 688 which would implement an Animal Transfer Database which has potential to be abused by animal rights groups whose nefarious use of such private, confidential information could bring great harm to the safety of animal owners across the state of New Hampshire.

I respectfully ask that you OPPOSE HB688 to protect New Hampshire citizens.

Sincerely,

Mindy Patterson  
President  
The Cavalry Group





**The American Federation of Aviculture, Inc.**

P.O. Box 91717  
Austin, Texas 78709  
[www.afabirds.org](http://www.afabirds.org)

February 4, 2019

The American Federation of Aviculture, Inc., (AFA) is a national 501(c)(3) organization whose purpose is to represent all aspects of aviculture and to educate the public about keeping and breeding birds in captivity.

The AFA and its associated members in New Hampshire oppose NH HB688. This Bill requires that anyone transferring ownership of an animal will have to register with the State and be subjected to government inspections, fees, and subsequently give up their rights as provided under the 4<sup>th</sup> Amendment of the Constitution of the United States. Please consider that even a young family with two canaries that hatch babies or a family cat that has kittens will have to register with the State to place the offspring of their family pets.

HB688 as written will create problems, not solve them. New Hampshire already has laws on the books that prohibit animal abuse, neglect and cruelty. Restricting animal owners by creating a new and unnecessary permit system will not stop animal abuse or neglect. In reality, HB688 may create hoarding situations and possibly the abandonment of more animals, thus placing an increased burden on humane societies, rescues and sanctuaries.

Furthermore, the AFA contends that an "Animal Transfer Database" will likely lead to abuse and harassment of constituents by extremist groups. This database could also be used by criminals to locate rare, valuable or endangered species and dangerous animals for black markets in the US and around to the World.

By passing HB688 the State of New Hampshire will discourage valuable education by restricting hobby breeders, and will discourage people from pursuing their passions and dreams such as those youths in 4H groups or Scouting? There is no reason to regulate hobby breeders and pet owners on a State level as there are sufficient Federal laws in place to restrict dangerous or invasive animals.

Statistically 80% of American families have pets. The eventual goal of the authors of HB688 is to remove all animals from our lives. Please do not support HB688. Support New Hampshire animal lovers and your constituents and vote against HB688.

Thank You for your time and service to the State of New Hampshire, the animals, and your constituents by stopping HB688 dead in its tracks.

Sincerely,

**Lewis Waskey**

American Federation of Aviculture Inc., Legislative Vice President

804-638-8278

[WaskeyBuddy@gmail.com](mailto:WaskeyBuddy@gmail.com)

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2/7/2019

Madam Chair and Members of the Environment and Agriculture Committee,

My name is Nancy Holmes and I'm here today from New Boston, NH to speak in opposition to HB 688.

Some of you may know me from past hearings but for those of you who find me unfamiliar I'm going to share a little of my background so you understand why I am here testifying. I hope my background assures you that I am not an expert only in my own mind!

I am a lifelong animal lover. This has led me to study animals, via independent research, college courses, and seminars by top experts to learn about their behavior, health and genetics just for fun. I have lived with an assortment of cats and dogs, pursuing dog training and breed ring showing of my dogs and generally just annoying my cats with attempts to modify their behaviors.

I'm the past president of a National Dog Breed club, the organizer of a national breed rescue for that club, the originator of a local breed rescue group for Great Danes back long before it was a popular thing, and a past winner of a Dog Writers of America award, for columns on the importance of breed rescue to the dog fancy. I am published in 6 countries around the world as well as on the internet as an expert on the topic of my show dog breed.

In my professional life I worked in the computer and business fields as a programmer analyst, a database analyst and a business analyst. I thus have a long history of reading for comprehension, thinking ahead for potential complications surrounding courses of action and making sense out of complex issues. I was also the top animal expert on the website Just Answer for 5 years and remained in the top slot for at least two years after that ended for me.

Currently I work online for a website analysis business and buy and sell things. So rather than gaining income for being here, I am losing income, yet I feel it is well worth the cost to share my point of view to this committee.

I am here to speak against the passage of HB 688. On careful review and consideration I found this bill so full of errors, inequities, and potential harm to NH citizens right from the analysis of intent to the fiscal notes that I believe passing this bill could cause more harm than good.

While my written testimony covers in detail the sections of the bill I found problematic I will try to cover only some high points while speaking, trusting you all to read through the rest before you come to any decisions.

It appears to me that feature creep has caused even those areas in the bill that may have been well intended, or much needed, to be poorly executed. For those of you unfamiliar with feature creep consider the old joke about the camel being a horse designed by a committee as an example. It's a situation where what was intended was changed beyond the original scope of design to be unrecognizable.

As written, the scope of this bill has changed the definition of breeder so widely that the only people not impacted by it will be those who never buy or sell a pet animal. Anyone who transfers a single pet animal could be impacted. NH is an animal and pet loving state so that means a lot of people will discover they are now Hobby Breeders who must be licensed or registered with the state.

The overwhelming unintended consequences to the passage of this bill may well cost the state more than any of the estimates show for it no longer impacts only dog, cat or ferret breeders.

While this bill does make some changes to the definition of pet vendor it also creates a new class of pet vendor called Hobby Breeder which is essentially everyone else who transfers an animal that is not livestock.

It continues to allow a special segment of pet vendor to exist, the animal shelter, which has to comply with a lesser set of laws than everyone else.

Forces the registration of any animal owner who wishes or needs to sell/transfer a pet as a Hobby Breeder.

Creates a 'big brother' data base that encompasses far more than the much needed resumption of state level health certificate tracking. It provides absolutely no level of confidentiality or security for the data the state will be accumulating. Municipalities now provide that confidentiality and security for citizens who license their pets by law in RSA 466:1-d.

In the bill an entire division is created to take over some of what the Dept. Of Agriculture now does, what that department did in the past, and to update the technology to track health certificates. Perhaps in justification for developing a new division it also tasks the department with tracking every companion animal sale, every purchaser of a pet, every rabies certificate issued to a dog, cat or ferret and everyone who licenses a dog, and of course all registered pet vendors, shelters and hobby breeders.

Animals are defined in our law as "a domestic animal, a household pet, or a wild animal in captivity." In this section of the law being amended there is a subset of animals addressed that are "live animals or birds customarily used as household pets". This is a huge number of types of animals ranging from reptiles, to rodents, to cats, to ferrets, cage birds, and dogs etc. It may even include fish as they are one of the most popular pets today. In the current law small breeders of pet animals are not regulated, but in this bill they are.

I have no idea where animals such as pet pigs fall under this definition. I do know that this bill will impact everyone who has a pet for sale including that litter from the pregnant "male" guinea pig, gerbil, hamster or rabbit sold by a pet store, the oops litters produced by people who just had no idea how their pet ended up pregnant, the individual who has a pet or pets that need a new home, and of course those who do produce litters on purpose but not at the level of a commercial breeder.

Time and again I have been told by individuals that they are NOT breeders but just someone with a litter for sale. It will be an uphill battle to convince people they are breeders, of even a litter of cats and dogs, as the animal rights people have done such an excellent job of convincing the general public that the term breeder is a dirty word.

For the commercial breeding kennel /pet vendor definition this bill vacillates back and forth between defining that by the number of puppies produced, which is a useless scale for anything other than dogs, to the number of all pet animals transferred in a year with no indication the animal was bred by the seller. In addition, it lowers the sensible numbers currently dividing the commercial dog breeders from all dog breeders, to an arbitrary number, applying to all pets sold, that may leave any small breeder of dogs suddenly elevated to commercial level by the whim of Mother Nature and the number of pups born in a litter, or the birth of any other pet animals in their homes.

The current numbers of 10 litters or 50 puppies defining the split between a commercial and hobby dog kennel were chosen to account for the fact the number of pups in dog's litters vary widely based on the size and breed of dog. The current big breed record is a litter of 24 puppies, while toy dog breeders may regularly see only one to two pups per litter. With the new number in this bill a dog breeder could have two litters in a year and go over the commercial limit or you could have 30 litters in a year and not be considered anything other than a hobby breeder.

I am unsure how the limit will impact breeders of other species than dogs or those who may produce animals of a number of species. The limit as it is written is full of inequity for dog breeders. I think for other pets in this case one size does not fit all. Cats and ferrets may require a different scale than dogs to determine commercial level as might rats and rabbits, sugar gliders, birds and guinea pigs. Are mice and rats sold as feeders different from those sold as pets?

This bill is intended to reduce animal cruelty issues in the state. Breeding animals and selling or giving away their offspring is not cruelty. There is no element of prevention or public education in this bill just punishment.

Based on the bill contents and the numbers of people it will impact I fear that the bill will increase cruelty incidences to an unprecedented number. People will seek to avoid being labeled a breeder, or even a hobby breeder, and will consider other ways to dispose of the offspring of their pets that may be far less kind than selling them. I do not think farmers on the whole will consider being licensed and regulated to get rid of barn kittens or an overload of abandoned animals for example. Abandonment of animals may well increase along with other methods of eliminating 'problem' animals that require a license to sell. An increase in cruelty seems more likely than a decrease.

I am extremely concerned about the violation of privacy, civil rights and sensible rules of safety that runs throughout this bill, particularly in the case as it defines hobby breeders.

In this day and age, when police departments routinely advise that anyone selling an item meet to do so at a police department parking lot or other highly visible secure area, this bill

exposes hobby breeders to potential risk with the intent to allow anyone (not just officials or buyers) the right to inspect all records kept by the hobby breeder whether they have anything currently for sale or not. No breeder should be put at risk of robbery, assault, rape or murder because of a law forcing them to allow anyone onto their private home property at any time to inspect records.

Of course official inquiries by agency members are another story with far reduced risk. However, premises searches should require a complaint and a warrant. One should also have the right to confront their accuser and I see no way to accurately assess a complaint without the accused to be able to explain any possible bias on the complainant's part.

In addition to the risks to the breeders and their families, the bill puts substantial risk to the animals of hobby breeders by permitting inspections by anyone with no indication of controls for contamination of the premises to reduce risks of diseases being spread by those inspectors. When I was breeding dogs, I never let anyone into my home that I did not know had healthy pets when there were nursing pups, to reduce risks of losing my pups to diseases carried in.

There are a lot of unanswered questions and some pretty big gaps in this bill. Nothing in this bill addresses the very common issue of infrequent breeders of pets. When I was breeding dogs I might have a litter this year and not next year or not for three or four years. What if you register because you plan a litter and then Mother Nature prevents that from happening? When would you register, before or after the litter is born or when it is ready for sale? What if the litter doesn't live to the time of sale?

What about people with waiting lists for the animals they produce would they have to be registered to take a deposit for a pet? How would any of that impact the private data the state would hold year to year and the registration requirement for a Hobby Breeder? If you move does the hobby breeder registration move with you or do you have to reregister even if you no longer have any animals for sale?

Overall I find this bill heavily flawed, with some very disturbing concepts and contradictions, as well as being an extremely expensive solution for the needlessly overly complicated system tracking of health certificates and the feature creep of additional data.

I urge you all to vote this bill inexpedient to legislate.

I will be happy to answer any questions now or if you prefer later.

My contact info is below.

Nancy Holmes New Boston, NH

Home email [fmkaffen@ix.netcom.com](mailto:fmkaffen@ix.netcom.com)

Home phone (land line) 603-487-2156

Analysis Issues

- I. This bill makes every breeder of pet animals in the state into a Hobby Breeder. Designates all Hobby Breeders as some new sort of a business to be regulated and pay the state a fee for doing so along with the waiver of civil rights
- II. Creates a new division of the Dept. of Agriculture to do what is done by most other State vet's office in the country and was previously accomplished by our state veterinarians.
- III. Reinstates health certificate tracking and expands it to include much more information on the citizens of NH who choose to breed or to own or license pets, especially dogs.
- IV. Continues to make animal shelters a special case

437:1

- I. Formatting changes only
- II. Changes – 31 or more puppies in any 12 month period  
Obvious issue
  - 1) This does not apply to any other species than dogs although rats do have 'pups' missing obvious need of numbers for other species to be considered commercial level
  - 2) Number change has no sense to it and would leave breeders of small dogs able to produce far more litters than breeders of large dogs, eminently unfair, and provides lesser regulation for breeders of small dogs.
  - 3) Does not reference license period or calendar year etc.
- III. No change
- IV. Adds as a business category Hobby Breeder as being anyone who transfers for a fee 1 to 30 animals in any 12 month period – not a calendar year starting in June like the licensing runs  
In NH law the only definition of animals I can find is that *"Animal" means a domestic animal, household pet, or wild animal held in captivity.*  
This expands the law so that it includes everything from boa constrictors, hamsters, guinea pigs, rabbits, dogs, cats, sugar gliders, hedgehogs, chinchillas, mice, rats, ferrets, birds etc.
- V. Added that a pet vendor shall not include animal shelter facilities, hobby breeders and working dog breeders.  
There is NO definition anywhere of what a working dog breeder is.
- VI. Change adds that the transfer must be to a 'final owner' which is impossible to determine by anyone including shelter personnel

437:2 Forces the Dept. of Agriculture to do law enforcement procedures by adding a requirement to "ensuring the humane treatment of animals". Currently enforcement of humane treatment laws falls to law enforcement.

437:3 Creates a special new department to administer the created database to track animal transfers, animal health certificates, rabies vaccination, licensing and registration of pet vendors, shelters, hobby breeders and purchasers of pets

- 1) No need to track rabies vaccination information as towns do it already and that information at the town level is protected by law against dissemination for other than official business.
- 2) No protections for information accumulated at state level

- 3) No indication of any need to track people who purchase pets
- 4) Some of what this new department will do is now done by the State vet's office and some was previously done by them

437:3 II. Problem is it regular inspections or is it inspections upon complaint – it says both.

V. Investigate transfers that violate the subdivision

Again this takes law enforcement away from law enforcement officials.

437:4 I. "records of all rabies vaccinations", "number of individual and group licenses issued each year by each municipality"

Problems

- 1) No need at the state level for rabies info that is handled by the towns now redundant
- 2) This leaves all unincorporated areas un-monitored out of the loop

II. ...reporting system capable of receiving electronically transmitted reports from veterinarians, pet vendors, animal shelters, and hobby breeders...

Problem – who is going to pay for all these electronic transmissions and what about citizens who cannot do any such thing? How much is it going to cost to handle all those who can only submit written records?

437:5 VI. ... Be submitted to the department for inclusion in the animal transfer database within one month of the date the certificate was issued.

Problem - This leaves no tracking of quarantined animals before they enter the general population of pets in this state. That certificate should be submitted by the seller or the quarantine facility when the animal is presented for quarantine.

437:6

I.,II.,III.,& IV – No provision for foster homes. Appears all foster homes would have to comply with this section or that NO foster homes are allowed at all.

V. Problem –

1) Special treatment for shelters. Either Health certificates are important or they are not. Excluding one type of pet vendor from assuring the public the animal is fit for sale seems negligent to me.

2) Must create a special form or format for shelters to comply with electronic reporting

3) Buyer has to purchase a health certificate within 14 days of animal purchase – who will enforce this?

VII. Problem with current law - To avoid receiving and selling stolen goods ALL animals accepted from any source should be checked for a microchip or other identifying marks such as tattoos and that information checked against the databases for such identifications to determine if the animal has an

owner seeking that pet. This should be done as a normal part of intake. The person surrendering the animal may have no idea their pet was stolen from somewhere else before their purchase.

437:7 No transfer of animals without registration.

Illogical change to 'numbers' of animals transferred which is completely unfair to breeders of large breeds which produce more puppies while leaving breeders of small breeds that produce few pups to produce as many litters as they can.

The reason the numbers are 10 litters or 50 puppies is to be fair to the differences in litter sizes of large and small dogs. One large breed dog can have as many as 24 puppies in a single litter, while a toy breed may have only one pup.

#### Other Problems

- 1) When does a hobby breeder get a license? Do they have to have one when the female is bred? When the litter is born? When the litter goes up for sale? When the litter goes to a new home?
- 2) What happens if you get a license and the inspectors bring in parvo, canine influenza or some other disease for any species and the litter dies?
- 3) What if the person only ever breeds one litter or breeds every other or every third, fifth etc. year?
- 4) When does the licensing requirement get dropped? What happens to the data?
- 5) What if the person moves with the litter to a new home? Is the license for a person or a location?

I see no substantive difference between the Pet Vendor license requirements and the Hobby Breeder registration requirements other than the size of the fee charged. This indicates a Hobby Breeder is considered a business under the new law which completely refutes the definition of a Hobby.

- I. Indicates a hobby breeder is a business with business premises
- II. Warrantless searches of private homes required  
No indication of any requirements for sanitary procedures by inspectors  
No indication of any limit to the number of times inspections are done by multiple groups
- III. This section opens up all records and private premises to the inspection of anyone including private citizens – huge potential for harassment and risk to breeder and family here
- IV. Keep records of animals intended to transfer ... including recipients  
Not logical if the animal is intended for transfer how can anyone know the recipient until after the fact?
- VII. Shall not transfer to pet vendors – i.e. no sales to brokers or pet stores. Trade restriction.  
Many local kittens, hamsters, mice, rats, reptiles and birds have always gone to new homes via local pet stores.

437.8 refusal to issue etc

Problem – what happens to the animals in the case of a refusal to issue etc?

437:8 refusal to issue a license



IV Problem - registrants are not operating businesses

- a. Maimed animals – no reason a breeder could not sell a handicapped animal with a missing limb tail etc as long as it is reflected on the health certificate

437:10 Problems

- 1) This refers only to breeders of dogs as being commercial kennels
- 2) Plus says that this section does not apply to any breeder who is not a commercial kennel – so only dog breeders are commercial breeders?

437:10-a immediately contradicts 437:10 by including registrants

III. This section says that 437:10 does apply to hobby and working dog breeders which is a total contradiction of the initial statement.

- a) Inspection within one year of registration  
Problem this is not a business it's a home
- b) 5 Year inspection this is a home not a business
- c) Follow up inspection – this is a home not a business  
Problem – what standards are there for searching and categorizing a person's home?

V. Complaints are to be anonymous.

Problems

- 1) A person has a right to confront their accuser – complaints cannot be anonymous
- 2) An organized group of complaints could leave anonymous complainants unscathed while acting in concert to harass a breeder

437:10-b

- I. 1-a There should be an exception here to allow the transfer of offspring with their mother

1-b That interstate Health Certificate needs to be sent to the department when the animal enters quarantine.

1-c A NH health certificate should be created when the animal is released from quarantine as proof of lack of health issues at the time

II. 2.B.6 and II.2.C Rabies certificates may not be possible given the age of the animal yet this requires them

III.a Should be allowance for transfer of underage animals with the mother as a unit - mother and litter

III.b.6 only place that shows the animal has to be of age for the rabies certificate

437:10-c

- I. Medical treatment

Problem – many owners of pets as well as livestock utilize perfectly safe home and prescription remedies without need to consult a veterinarian particularly for emergency

and or lifesaving situations but also for day to day care and maintenance why is this now different for licensees only?

II. Licensees only (not registrants) 14 day warranty

Problems –

- 1) 14 days is too long for a new owner to see a vet to determine if the animal is healthy
- 2) Animals could easily become infected and show symptoms due to owner negligence not licensee negligence
- 3) The health certificate given at time of sale is supposed to have info on any health issues – which explains why it is so important for shelters to comply with health certificate info

Overall this is NO warranty at all as the new owner is required to return the animal for disposal in any way the seller desires before getting a refund.

I call this the pet store warranty, as that is where I heard of this type of warranty for the first time, as any animal lover knows quite well that unless the pet has already died the odds are the owner will prefer to keep and try to save the pet rather than hand it over for destruction.

437:10.d

II No definition for working dog breeder appears to exist

Hobby breeders should not have to permit any member of the public to inspect anything as this creates both personal risk for the Hobby breeder and family and for their animals to have random people allowed to be on their property to demand such information.

Hobby breeders are not businesses and are unlikely to have an area their pets are displayed to post signage – this is not a business it's a home.

437:10.f penalties

III Hobby breeder fines for lack of registration

Who will enforce this? What constitutes proof? Will this be selectively enforced? Who is going to do all the needed education and distribution of rules? What will all that cost?

This section is for anyone transferring (not selling as stated in definition of a hobby breeder just transferring) any animal or bird customarily used as household pets – far reaching implications for breeders of rabbits, other rodents, snakes, dogs, cats, ferrets, finches, parrots etc.

Fiscal Notes

Methodology – there is no reason to go to the expense of tracking all licensing of pets (AKA dog licenses) at the state level when towns already do this. At the town level that information is protected but I've seen no indication of protection of privacy at the state level.

## Estimated Hobby Breeder registrations

The table in this section underestimates the number that would be forced to register as hobby breeders given the scope of the term animal and the definition of hobby breeder. Just this week alone on two advertising venues (none of which were Facebook pages) I counted over 70 litters of dogs and cats being offered for sale by people in NH locations. That doesn't count the breeders of snakes, birds, other reptiles, or rodents etc. who were also offering offspring of their animals for sale.

The number of licensed shelters and rescues is also way off as I frequently see ads from rescues that are unlicensed offering animals for sale including rodent rescues, bird rescues, private dog and cat rescues many of which are not nonprofit. It also doesn't even begin to count the out of state groups eager to sell animals here. The time spent investigating those who are claiming to be rescues in their ads would be expensive.

I have seen people advertising that the state vets office has told them they do not have to be licensed if they are only selling a few dogs a month and others that claim the state vet's office tells them they do not have to be licensed here to sell here as long as they are licensed in a nearby state.

Currently selective enforcement is obviously rife within the system and I see no way to ensure fair treatment in the future.

Legal staffing would also have to be far higher to handle all the cases of the many people including our farmers and average citizens who have animals reproducing and offspring that need to be rehomed that may not comply with this new law.

All of the people who have gotten a pregnant guinea pig or other rodent from a pet store, everyone whose birds raised a clutch, all the breeders of boa constrictors and other snakes kept here as pets, every owner who is surprised by a litter they had no idea was coming, all the people selling a litter who do not believe they are a breeder as they aren't a 'mill' -- all those people will have to be registered and inspected or be law breakers. I can't tell you how many people selling a litter that I have contacted who claim they are not breeders and therefore can do as they please in advertising on places that ban breeder sales now. That same thinking will flood the department with a need for regulatory action.

The whole notion of registering, licensing and inspecting, and investigating and punishing hobby breeders as defined is going to cost the state a fortune to no great purpose.

Where is the analysis for costs to every town or city, every veterinarian, every licensee and registrant for doing electronic reporting? What will the data entry costs be for those who can only comply via paper documentation?

Where are the regulations for safety and privacy of New Hampshire citizen's information kept at the state level? Who will have access to this information and what proof must they supply to gain access?

I feel this bill is going to increase the number of people who do not vaccinate their pets in order to avoid licensing and those who advertise and sell only out of state to avoid local scrutiny.

Christopher Condon  
169 Clinton Road  
Antrim, NH 03440  
603-933-2226  
chris@condon.net



February 6<sup>th</sup>, 2019

To: Chairman Amanda Gourgue and Members of the House Environment & Agriculture Committee  
Re: House Bill 688-FN

Dear Rep. Gourgue and Committee members,

I am a hobby Maine Coon cat breeder living in Antrim, New Hampshire. Please accept this letter as my formal opposition to HB688-FN as currently proposed.

As a hobby breeder our goal is to breed healthy pet and show-quality kittens and place them in safe homes. We perform genetic testing and get annual cardiac ultrasounds for our breeding pairs. We screen potential kitten owners through an extensive questionnaire as well as interviews with their veterinarians. Most importantly, our cats are raised and socialized as pets in our home.

While I and my fellow breeders have many issues with the bill, I would like to focus on these items in particular:

- The new law would define a pet vendor as one that transfers more than 30 cats or kittens in a year, where existing law sets the threshold at 50 kittens or 10 litters. This is a significant change. As a hobby breeder we may have a new litter of kittens every couple of months. In a good year we could easily exceed this proposed threshold. We have no way to predict until shortly before birth how many kittens to expect. Were we to inadvertently exceed the 30 kitten limit we would either have to a) hold off on transferring those kittens until the following year (which could lead to overcrowding) or b) hold off on breeding one of our females (which is not healthy for a whole female).
- We raise our cats in our home and birth our kittens in our bedroom. Unannounced inspections for hobby breeders that become pet vendors as proposed in this bill would be an invasion of our privacy. This is not a professional breeding facility. This is our home.
- The allowance of 14 days for transferred animal to be seen by veterinarian by a new pet owner is far too long. Our practice is to require new pet owners to take their new kitten to the vet and confirm their health within three days of receiving them. Fourteen days is well within the incubation period of communicable diseases, so we would be responsible for full refunds if the owners got their kitten sick due to negligence.

I recommend that the existing threshold of 50 transfers or 10 litters defining pet vendors be maintained under any new regulation. I ask that you vote HB688 inexpedient to legislate until it can be reassessed and re-written with input from hobby and professional pet breeders. If I can be of any assistance in this effort, I would be happy to do so.

Thank you for your consideration.

Sincerely,

Christopher Condon



①

The International Cat Association, Inc.  
306 East Jackson Avenue  
Harlingen, Texas 78550 USA

February 4, 2019

Rep. Amanda Gourgue, Chair  
House Environment and Agriculture Committee  
61 Thompson Mill Rd  
Lee New Hampshire 03861-4420

Re: HB688

Dear Rep. Gourgue:

I am the President of The International Cat Association ("TICA"), an international registry for cats. I am writing on behalf of TICA to oppose HB688.

First, requiring registration as a hobby breeder and inspection for the transfer of even a single animal is extremely burdensome and overreaching. This would require registration by any individual who raised a litter of kittens in their home and will require them to permit inspections in their homes by the State.

Whereas, TICA certainly advocates responsible breeding practices and proper care, we oppose legislation which is restrictive without serving the greater purpose of ensuring good care and treatment for cats. For example, while the current law provides that a breeder may transfer a total of fifty cats or kittens over the course of a year before being considered a "commercial kennel," the proposed amendment reduces this amount to thirty. Several large healthy litters can easily cause a breeder to exceed this threshold over the course of a year. This would result in the penalization of breeders who successfully raise seven or eight surviving kittens per litter. Moreover, some females need to be bred more frequently for health reasons and this is a decision which breeders should be able to make after consultation with their veterinarians. Limiting the number of transfers could also conceivably force a breeder to keep more kittens so as to remain below the thirty transfers threshold.

It is important to remember that many hobby breeders raise litters of kittens in their bedrooms and their homes are not open to the public. They are not breeding facilities; rather, they are homes. Laws which allow inspection of the homes of hobby breeders, particularly random inspections lead to a significant invasion of privacy and are disruptive of family life.

Additionally the requirement that every transfer be recorded in the Animal Transfer database raises significant privacy and security concerns for hobby breeders, who are affected by their personal data being collected and used

Respectfully,

Vickie Fisher, President  
The International Cat Association



Tania Antenucci  
34 Laddie Lane  
Minesing, Ontario, Canada  
L9X 0C3  
705.796.8482  
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February 5th, 2019

To: Chairman Amanda Gourgue and Members of the House Environment & Agriculture Committee

**Re: House Bill 688-FN**

Dear Rep. Gourgue and Committee members,

I am the Northeast Regional Director of the The International Cat Association (TICA), representing the state of New Hampshire and the TICA members therein. Please accept this letter as my formal opposition to HB688-FN as it is currently being proposed.

As a practicing pharmacist with a lifelong passion and keen interest in the health and welfare of all animals, I began hobby breeding with the intent to fiercely advocate for the animal I chose to breed: to preserve/improve its genetic wellness and to ensure responsible pet ownership in safe and appropriate homes. Hobby breeders share this same vision, many of whom are protecting breed welfare through the investment of their own time and money. As such, my concerns with this bill as proposed are as follows:

- To enforce licensing requirements, fees and/or unnecessary government inspections would serve to deter credible and responsible hobby breeders, in turn jeopardizing animal welfare by potentially banishing the fierce advocacy hobby breeders contribute
- The bill as proposed is laden with privacy breaches, shoddy writing, and financial burdens that would impact thousands of residents/constituents and will require courts to interpret against a 4th amendment challenge. There needs to be a clear demarcation between commerce and hobby with respect to this bill.

While my concerns lie with many proposed aspects of HB688-FN, I have reiterated what I believe to be most vital. On behalf of myself and the TICA membership in NH, we ask that you vote HB688 inexpedient to legislate until such time as it can be reassessed and re-written based on all stakeholder input. Only in this way can we serve as true animal welfare advocates - ensuring that we are protecting their rights in the absence of any bias. Thank you for your consideration in this matter; please feel free to reach out to me with any further questions or concerns.

Sincerely,

Tania Antenucci, BScPhm, RPh  
TICA Northeast Regional Director

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Marie Harriman  
169 Clinton Road  
Antrim, NH 03440  
603-588-2403

February 7, 2019

To: Chairman Amanda Gourgue and Members of the House Environment & Agriculture Committee

Re: House Bill 688-FN

I am a hobby breeder of purebred Maine Coons, and a New Hampshire native. I am writing in opposition to HB 688-FN as currently proposed.

My cattery was established in 2003 to promote the breed with a focus on producing healthy, happy cats. We carefully select the best mating pairs for our litters, and screen our cats for known Maine Coon health concerns via genetic testing, regular echocardiograms and regular vet visits. Our cats have been placed with other breeders and in pet homes. We select the homes for our kittens carefully via a questionnaire, contact with the potential owner and a reference from their current vet to ensure our kittens go on to happy lives with responsible owners. Further, our cats are raised and socialized as pets in our home. Kittens are born in our bedroom. We do not have a separate facility, nor do we use cages.

I suspect you'll hear from many concerned parties today about this bill. My chief concerns are as follows:

- 1) Definition of hobby vs. pet vendor: I am opposed to the focus on the number of transfers as the definition, and believe the better focus is on the number of breeding females, as used by the USDA Center for Animal Welfare Dog Breeder Resource Guide, published 2/6/17. State law would not be in sync with federal law. Further, my cattery could be a hobby breeder one year and a commercial breeder the next. For example, one year 5 female cats could produce 10 kittens, while the next year they could produce 35.
- 2) The allowance of a 14-day return/exchange of a sick animal is far beyond what would be economically feasible to conduct business. 14 days is well after the incubation period of communicable diseases and this would make me responsible for full refunds if the cat/kitten becomes sick due to their negligence. Further, some diseases such as corona virus and FIP have no definitive test and are notoriously difficult to diagnose. Allowances must be made for such circumstances.
- 3) Facility inspections would in reality be an inspection of my home. This is an invasion of privacy.
- 4) The bill requires health certificates to be available even to the 'any member of the public', thus allowing anyone to review our records, invade our privacy and gain entry to our home.

I urge you to rule this bill inexpedient to legislate, and consider changes to these and other problems raised. If I can be of any assistance in this effort, please do not hesitate to contact me.

Respectfully,



Marie J. Harriman

(12)

Good afternoon and thank you for allowing me to speak

My name is Diane Richardson. I've been involved with dogs for more than 30 years. In this time I have been involved in rescue, breeding, training and caring for pets and livestock, and many other professional pet and livestock categories

HB688 has good intentions , but overall it is needlessly targeting small hobby dog breeders and creating a heavier load for the already overwhelmed State Vet office.

NH has EXCELLENT animal laws, but entirely inadequate enforcement funds. These laws, WHERE ENFORCED, results in many animals being removed from homes , often hoarding situations, every single year.

Back when our current, existing commercial breeder law went into effect many well known, high volume breeders left the state rather than be subjected to new criteria.

One of those breeders (a Michelle Oulette formerly of Lisbon, NH) was just last year charged with animal cruelty in Vermont. Prior to this in RI over 60 dogs were removed from her residence.

She is just one example of a breeder who left NH because of our then new commercial breeder law.

Enforcement is the key and our commercial breeder law being high volume production based is very clear and fair.

Categorizing a breeder as commercial based upon 31 transfers vs the current 50, is unrealistic. 31 transfers can be just TWO or THREE litters of large breed dogs

How does producing 2-3 litters in a year make anyone a commercial breeder?

Commercial implies high volume.

Making a hobby breeder a commercial breeder based on even 3 litters of puppies, would mean those dogs and puppies would need to be housed and raised per our commercial standards (Agr 1700). NOT in a home, where they are well socialized to normal life.

Additionally the proposed definition for commercial breeder vs hobby breeder, exceeds USDA federal requirements. Meaning NH would require commercial license criteria for breeders the Federal Government says are not commercial.

The VAST majority of issues this bill claims to try to address could be handled simply by A- RE-Adding in the breeder health certificate required for transfer section (our former 2009 law which was recinded in 2013) Health certificates are a prime way to effectively track breeders and the numbers they are producing!

B-by adding one more State Vet office employee, who is multi skilled to assist in all inspections and testing currently performed as well as assisting with monitoring health certificates.



C-by adding funding to enable enforcement of the many excellent laws we already have on the books which are currently enforced in triage fashion due to lack of funding.

D- by adding funding to develop and implement an online health certificate system so that the State Veterinarian office could receive those health certificates digitally, and without requiring storage space for thousands of hard copy versions.

Developing a "Companion animal welfare" sub department within the department of Agriculture per hb688 is not the solution at all. They need people who can do all jobs not just one niche.

NOTE: this proposed database of health certificates (OR the database of hobby breeders should you actually pass HB688) would need to be protected from abuse by those who would obtain the information contained in it via FOIA requests.

ANY FOIA request fulfillment would need to be provided with reports where the NON commercial breeder's name, address and telephone number as well as veterinary name and address information is REDACTED, because HSUS and other animal rights groups publish these reports from other states to enable home harassment of breeders.

THIS requirement needs to be in the bill if passed in any form.

Another huge concern is the transfer of diseased or maimed animals. Animals can be born with congenital diseases or defects and are transferred to new homes. This can include heritable diseases like JLPP, PDA, SAS, renal dysplasia, cataracts, retinal dysplasia etc.. Animals can also have usual and normal changes made which could be termed "maimed" like cropping of ears, docking of tails or removal of dewclaws. Animals can also be born with defects like cleft palate, missing limbs or paws and sometimes mothers chew off the tails or limbs of their young. Those could be termed "maimed" as well.

If those animals are barred from transfer, what is a breeder supposed to do with them? Kill them? Because they can't even legally give them to a shelter or rescue per this bill.

One last concern about HB688 is that the proposed hobby breeder definition and law description states simply "animal", meaning this could be used to categorize even livestock breeders who raise animals commonly kept as pets (chickens, rabbits, goats etc) as hobby breeders requiring registration. This is going to flood the state vet office with more inspections and oversight than they can possibly handle. FAR above the bill's projected impact statement

Thank you  
Diane Richardson  
Springfield, NH  
workingclasscanine@msn.com

This needs to be added back in

2009 New Hampshire Statutes  
TITLE XLV — ANIMALS (Includes Chapters 466 - 470)  
CHAPTER 466 — DOGS AND CATS  
Section 466:6-a Breeder's Health Certificate.

I. No dog shall be transferred in the state or out of the state by a breeder without first being inoculated against infectious canine diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be kept by the breeder of said dog for a period of at least 3 years and one copy of which shall be given to the purchaser. If an official health certificate is produced, it shall be prima facie evidence of transfer.

II. For purposes of this section, an official health certificate means a certificate signed by a licensed veterinarian on a form approved by the state veterinarian, containing the name and address of the breeder, the age, sex, breed and description of the dog, a list of all types of vaccines or medication administered to said dog, and the certification of the veterinarian that the dog is free from visual evidence of communicable diseases such as kennel cough (infectious tracheo bronchitis), canine distemper, and external and internal parasites (including coccidiosis).

III. No breeder shall deliver or cause to be delivered any dog less than 8 weeks of age.

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to selling or transferring dogs except that dogs which have been imported into the state for transfer with or without a fee shall be accompanied by an official health certificate.

V. In this section, "breeder" means any person who breeds dogs for sale, gift or transfer in any manner.

V-a. The commissioner of the department of agriculture, markets, and food or designee is hereby authorized on the commissioner's own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA 466:6-a, VI. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.

VI. (a) Any person who violates this subdivision shall be guilty of a misdemeanor.

(b) In addition, any person or owner who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

**Source.** 1977, 356:3. 1979, 24:1, 2. 1987, 186:2, 3. 1995, 130:4; 298:7. 2004, 7:3, eff. April 5, 2004. 2007, 160:4, eff. Aug. 17, 2007. 2009, 296:11, eff. Sept. 29, 2009.

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My is Dianne Tyree and I am a resident in Hollis, NH, where I have resided and paid property taxes for the last 35 years

It appears there is no provision in HB688 for breeders who are no longer breeding dogs. I would like you to consider the consequences of HB688 will have on them.

Here is a little scenario for you to consider. Say I sold a puppy to a couple in their mid fifties with no children. Two years later they get an older dog from me, as the puppy I sold them was from my last litter. Fast forward five years, he has passed away from a heart attack two years ago and she has developed Alzheimers and requires admittance to a residential care facility. Her friends find a copy of my contract among her things which states that if for any reason the buyer can no longer keep the dog the dog is to be returned to the breeder. They contact me about the two dogs that are now nine and seven. The dogs are returned to me and after evaluation I determine that they are in good health and can possibly be re-homed if the right family comes along. A few months go by and a friend asks me if I still have the two dogs and if so a woman that is a member of her church just lost her husband and their dog died a few months prior to his passing might be interested.

After meeting the dogs she decides that they are right for her and will fill a void in her life. She has as reason to get out of bed in the morning once again and these two senior dogs get to be part of a pack of three not ten. I get the proper health certificates from my vet, prepare a new contract, with the same clause about return, and in lieu of payment ask that a donation to be made to a 501C3 charity that or disaster.

As I understand HB688, in order for this transaction to take place I would be required to register as a hobby breeder and therefore subject to inspection and the publication of my personal information, in spite of the fact I have not bred a litter in seven years and currently have no intact female dogs in my house.

If this is indeed the provisions of this law, I suspect you will encourage the thing that you have been trying to avoid "animal hoarding." I would more likely to just keep the animals returned to me and look for residence in a state with more hospitable laws for the humane treatment of residents.

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SIMON SIBERIANS

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SIMON SIBERIANS

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February 6, 2019

Rep. Amanda Gourgue, Chair  
House Environment and Agriculture Committee  
61 Thompson Mill Rd  
Lee New Hampshire 03861-4420

Re: HB688

Dear Representative Gourgue:

I am a resident of New Hampshire, and I have been raising low-allergen Siberian cats in my home since 2010. My kittens are born and raised in my bedroom. I am writing to oppose the proposed reenactment of RSA 437:1-10.

- The current law only requires registration for breeders who transfer more than 10 litters or 50 puppies (with no mention of any other animals) per year. The new version would require that anyone who transfers any number of animals (even one) of any kind be registered. This would mean that non-breeders who give away unplanned kittens, puppies, or other household pets would need to be registered.
- Establishing a "Hobby Breeder" category which limits the breeder to transferring 30 animals per year would mean that, for many species and breeds, there could be only two or three litters per year. As a result, breeders might be forced to euthanize some animals to remain "Hobby Breeders".

- 437.7 VI states that a hobby breeder “Shall not transfer animals to pet vendors.” Individuals who breed more than 30 animals are often those who own the studs used by hobby breeders. As a result, the most common stud fee of “pick of the litter” would no longer be legal. This could cause a lack of genetic diversity (which is critical to keeping a breed healthy) in many breeds because hobby breeders might decide to only choose studs belonging to other Hobby Breeders.
- 437.10 states that license provisions will not apply to breeders of dogs that do not meet the definition of commercial kennel. Why do breeders of dogs get special rules?
- 473:10-C II specifies that the transferee can get a refund or replacement if a veterinarian finds that a dog, cat, or ferret is not “free of disease” within 14 days of transfer. 14 days is well after the incubation period of animal diseases, so the breeder could be held responsible for a buyer’s negligence.
- According to the Fiscal Note, creation of the proposed new division of the Department of Agriculture will cost taxpayers \$1,113,000 (\$1,076,000 for full time personnel, \$37,000 for a contracted Hearing Officer) in FY 2022 plus \$102,000 for 8 vehicles. This does not include costs for office space or the initial cost of setting up the database (\$455,000 for both FY2020 and FY 2021). In comparison, the total income from registrations is estimated to be only \$61,000 annually. The homeowners in New Hampshire cannot afford this expense.

Additionally, the wording is neither consistent nor clear:

- The term “companion animal” is never defined. Is this the same as “household pets”? Does this include rabbits, guinea pigs, rats, and other small mammals? How about reptiles?
- “Commercial Breeding kennel” is defined as any entity that “transfers 31 or more puppies in any 12-month period.” Other than the specification of “puppies”, how is this different from “pet vendor”? Its inclusion in the statute is unnecessary and confusing.
- 437:10 states “The license provisions of this subdivision shall not apply to breeders of dogs that do not meet the definition of commercial kennel”. Does this mean that a dog breeder that transfers 30 dogs does not need to be inspected, but the breeder of any other animal “that transfers fewer than 31 animals is subject to inspection”?

Respectfully yours,



Dannielle Simon  
Simon Siberians

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My name is Cheryl Silveira. I have been a resident of NH for over 24 years. I would define myself as a dog fancier. Thirteen years ago we received our first family dog from a family friend and hobby breeder. Seven (7) years ago my daughter, who was then 15 years old and I had no idea about the dog show world and what was necessary to show dogs. My daughter asked to do dog shows and after some investigation, my daughter found all the information she needed for us to get started. That was the start of our love for competing in the dog show world and the start of owning multiple dogs. This activity became our "Mommy and Me" activity. This past year we bred our first litter of Beagles. We whelped 4 puppies. One died in the first week from aspiration pneumonia, one we sold and the last 2 we kept for showing at dog shows. With only one breeding in the 13 years of owning dogs I don't feel I could be possibly be classified as a "Hobby Breeder". With the sale of one puppy in that litter I would now under HB 688 be considered a "Hobby Breeder" and be required to register, allow unconstitutional and warrantless inspections, submit records to anyone that requests them, allow information to be stored in a statewide data base, among other issues. This all from the sale of one puppy in 13 years of dog ownership.

My concern with this bill is that this state already has a perfectly acceptable laws governing animal cruelty, however in all the recent animal cruelty cases that have become public there has been one thing that has stood out. The biggest and most glaring issue is the lack of enforcement of New Hampshire animal laws RSA 437 and AGR 1700. Instead of using tax dollars towards new rules and regulations that won't accomplish stopping animal cruelty, those tax dollars instead could be applied to enforcing the current NH rules and regulations of all animals in NH RSA 437 and AGR 1700.

I believe RSA 437:1-10 has 3000 words to more than adequately prevent animal cruelty in the state of NH. When reading HB 688 we see over 6000 words. HB 688 unnecessarily repeals a current "Sale of Pets" law and replaces it again unnecessarily with more than twice the amount of words. It also won't give additional protection for animals from harm and doesn't stop people from hoarding pets above and beyond current RSA 437. Remember those breaking the current laws on animal cruelty, animal transfers and sales won't wake up in the morning and suddenly decide to follow those laws.

This bill wants to change the threshold of becoming a commercial breeder and what is not a commercial breeder (Hobby Breeder). These changes would require redefinition of "pet vendor" and "commercial breeder" to significantly lower numbers. HB 688 has the unnecessary definition of "Hobby Breeder" emerging. The breeder who transfers animals of all kinds for a fee, will be a "Hobby Breeder" for transferring 30 or fewer animals per year. This number is not appropriate and the current regulations should not change from "the transfers 10 or more litters or 50 or more puppies in

any 12-month period". To those not as educated with litter numbers, there are breeds that can have over 12 puppies in one litter which could unintentionally put a "Hobby Breeder" into the "Pet Vendor" category. In "RSA 437:3 Requirements", the requirements of a "Pet Vendor" are almost identical to those of the new definition of "Hobby Breeder". The term "animals" used does not eliminate specific animals, so ALL animals and breeders of these animals would be affected by this law. It's not just about dogs and birds.

When government wants to be able to have a hobbyist register with the state you no longer have a hobby. A "hobby" as defined by the Merriam-Webster Dictionary is "a pursuit outside one's regular occupation engaged in especially for relaxation". A Preservation Breeder or Hobby Breeder is not in the profession of breeding but pursues their interest in maintaining the best qualities of a specific breed of animal. What other "Hobby" does or will the state also require the hobbyist to register with the state?

Once registered with the state, every person breeding, transferring or selling pet animals at any level must surrender all privacy rights, including 4th Amendment rights of the U.S. Constitution, to the State, local officials, law enforcement or health official. This is highly unconstitutional and should not even be considered in any way as part of any bill or law in this state. A warrant requires police officers or other legal entities to convince a neutral and detached judge that they have probable cause to believe criminal activity is occurring at the location to be searched. This is done by providing the judge with information in the form of written statements under oath (affidavits) which report either their own observations or those of private citizens. These affidavits need to provide probable cause to conduct a search before a warrant is issued. I can't imagine anyone would support warrantless searches as outlined in HB688 for any of our citizens for any reason and especially for someone who has a litter of puppies and sold only one puppy.

Like the current "Pet Vendor" requirements in "437:3 Requirements" a "Hobby Breeder" will be asked to make our records available to the state, local officials, law enforcement, health officials and most concerning the general public any time. This means that personal information not only of the breeder but also of the clients of breeders purchasing an animal, will be made public with an "Animal Transfer Database". My fear is that this Database will become nothing more than a tool that radical animal rights groups will use to promote their own agenda and target law abiding, animal owning citizens.

HB 688 won't fix any problems that it claims to fix. Instead it will make criminals out of everyday citizens for selling a few geckos, a couple of parakeets, a few well-bred puppies or other animal in NH. With the strict enforcement of our current laws, there is absolutely no reason to regulate hobby breeders or any animal breeder in the state of NH beyond the current laws under

"RSA 437 Sale of Pets and Disposition of Unclaimed Animals" and Agr.1700 Transfer of Animals and Birds" already in place. The focus shouldn't be on new laws but instead delegating enough funding to enforce the current NH laws efficiently.

Please do the right thing for New Hampshire, its citizens, the animals and your constituents by stopping HB688. Thank You for your time.



**437:1 Definitions.**

In this subdivision:

I. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

**II. "Commercial kennel" means any person, business, corporation, or other entity that transfers 10 or more litters or 50 or more puppies in any 12-month period.**

III. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

IV. "Pet vendor" means any person, firm, corporation, or other entity engaged in the business of transferring live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire.

V. "Transfer" means transfer of ownership of live animals or birds from any person, firm, corporation, or other entity to a member of the public.

**Source.** 2017, 156:233, eff. July 1, 2017.

**437:3 Requirements. –**

No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license, giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures used in the business of dealing in live animals or birds customarily used as household pets.

II. Submit premises, buildings and other enclosures to unannounced inspection by department employees or local animal control, law enforcement, or health officials at reasonable times.

III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law enforcement, or any member of the public, a proper record in which all live animals or birds customarily used as household pets obtained or transferred shall be listed, giving the breed, date the animal was obtained and transferred, and from whom the animal or bird was obtained and to whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo number of each animal or bird, where applicable. Animals or birds that do not bear such identification shall be identified by recording markings, a physical description and any other information as the commissioner deems necessary to identify such animals or birds.

IV. Keep records of all animals or birds intended for transfer indicating identification, point of origin, and recipient, and shall submit said records to the commissioner upon request.

V. Abide by such other rules as the commissioner may adopt to control disease.

**Source.** 2017, 156:233, eff. July 1, 2017.

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February 2, 2019

Sharon Roy, Manchester NH

To: Chairman Amanda Gourgue and Members of the House Environment & Agriculture Committee

I have been a member of Cat Fanciers Association for close to forty years. I am currently serving on their Board of Directors. I have served two other terms in the past as well. Let me state, I have not bred any litters of kittens in 18 years.

I have to oppose this bill, as I do not feel it accomplishes what is intended.

- This bill makes every breeder of pet animals in the state of NH into a Hobby Breeder, including anyone who has an accidental litter (so not just actual breeders)
- Creates a new division of the Dept. of Agriculture to do what is done by most other State vet's office in the country and was previously accomplished by our state veterinarians
- Continues to make animal shelters a special case, when indeed, many import dogs for placement.
- Designates all Hobby Breeders as some new sort of a business to be regulated. This in and of itself, creates more work and cost to the state for regulation. It could be considered an invasion of privacy as well. Most "hobby" breeders have their animals living in their homes and birthing takes place in an occupied bedroom.
- Current law: 10 litters or 50 puppies. Current law is also sufficient with proof of health certificates should provide the state with enough information should there be any instances of abuse.
- 437:10-c II adds new Lemon Law requiring allowance of 14 days for transferred animal to be seen by veterinarian by receiver. 14 days is well after the incubation period of communicable diseases, so hobby/working breeders would be responsible for full refunds if the owners got the dog sick due to their negligence. Need to confirm if hobby breeders are affected by this or just shelters.
- This would impact thousands of constituents and would be a huge financial burden, in addition to all the bad requirements, inconsistent writing, and problematic rules.

I recommend we keep the same laws currently in use. If the state feels there is a need for more stringency would be for us to ask the major cat and dog registry for examples of what works in other states.

Thank You for your consideration.

Sincerely,

*Sharon Roy*

[sharonroy@grolen.com](mailto:sharonroy@grolen.com)



Andrea Hantz  
1855 NH Route 119  
Rindge, NH 03461  
603-899-5221  
[pearlypondps@aol.com](mailto:pearlypondps@aol.com)

February 6, 2019  
Amanda Gourgue, Chair  
Members of the House Environment & Agriculture Committee

RE: House Bill 688

Dear Representative Gourgue,

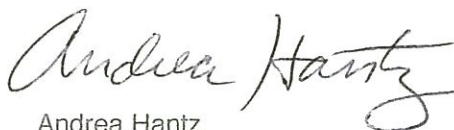
I have been a resident of NH since 1973 and a lifelong pet lover. I am an enthusiast who has enjoyed participating in organized activities with the purebred dog and cat clubs like AKC, CFA and TICA. I have shown a bernese mountain dog to a novice obedience title and a persian cat to be the 2nd best of his breed division in this country.

I oppose this bill because it inadequately defines and is too restrictive for an honest hobby breeder. The definition is by transfers without considering the environment, so it appears to be favorable to large breeding commercial kennels and animal shelters. In a perfect world, I think that most pet lovers want their pets to be home raised.

Decades of dedicated individuals have improved the quality of the breeds we have today. It is the hobby breeders who have donated time, money and expertise to support genetic testing for diseases for which all pets and their owners benefit. I am concerned about the advocacy of the various groups in drafting this bill as they are in direct competition with purebred hobby breeders.

I oppose this bill because it is a significant expense perhaps more than what current costs are to solve the problems as they arise. There has not yet been a cost-benefit analysis provided to make this determination. There also appears to be major enforcement challenges of this bill.

Please consider that we already have animal neglect, abuse, and home sanitation laws in place and that there could be a better way with current laws to find a solution to problems. Let's give this another thought. Thank you for your consideration.



Andrea Hantz

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Dear Chairman Amanda Gourgue and Members of the House Environment & Agricultural Committee,

In my 15 years of breeding purebred Show and pet Beagles I have had many puppies that I hand-raised myself because they were too small or weak to nurse and needed a little help to get through the very high-risk first weeks of life. To lay people these puppies are generally labeled runts. To a hobby breeder these puppies are what we call "slow starters" and we know that with a little TLC these puppies catch up and thrive and are usually on par with the rest of their littermates by 8 weeks of age. Occasionally a puppy has a deformity such as a cleft lip that is obvious but typically doesn't cause any long-term health issues once the puppy is eating solid food. Because of all of the special attention by their breeder from birth, all of these special needs puppies are especially bonded to humans and make the most fantastic pets. If a law such as 437:9 is passed how many breeders will decide not to put in the arduous hours of care day and night for the first three solid weeks of such a pup's life if they will not be able to send it to a loving home once it is past the critical-care stage? What will happen to these puppies? Will breeders be forced to allow these little puppies to be pushed aside by the bigger, stronger puppies where they will die slow, cold, lonely deaths by chilling and starvation?

In our modern day and age when there are so many great homes ready, willing and able to take one of these special puppies why would we want such a restrictive law? We place these imperfect puppies at no charge other than reimbursement for vaccinations, de-worming, and the promise of a spay. Hobby breeders do not make any financial profit on these puppies. We care for them out of the love we have for our dogs, our bloodlines and our love for life in general.

I have included letters from three of my puppy homes that adopted/purchased special needs puppies from me.

Thank you,

Cindy Williams  
Mont Vernon, NH  
603-582-5786

HB688

437:9 Prohibition.

No licensee or registrant under this subdivision shall transfer, other than to a qualified veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other than as permitted under RSA 437:10-c, II, nor shall any licensee or registrant treat inhumanely any animal or bird in his or her care or possession or under his or her control.

437:10-c Health Management; Dogs, Cats, and Ferrets.

I. Medical treatment and use of controlled drugs on any animal or bird under the care or possession or under the control of any licensee other than a veterinarian may be administered only under the direction and supervision of a veterinarian for the purposes of this subdivision.

II. Within 14 days of transfer, the transferee of a dog, cat, or ferret from a licensee may have the dog, cat, or ferret examined by a licensed veterinarian selected by the transferee and, unless said examination indicates the dog, cat, or ferret to be free of disease, the transferee shall be entitled to substitution or, at the transferee's option, a full refund of the purchase price of the dog, cat, or ferret, if applicable, upon return of the dog, cat, or ferret to the licensee within 2 business days of said examination, accompanied by the veterinarian's statement that the animal is not free of disease.

## HB688 - 437:9 Prohibition

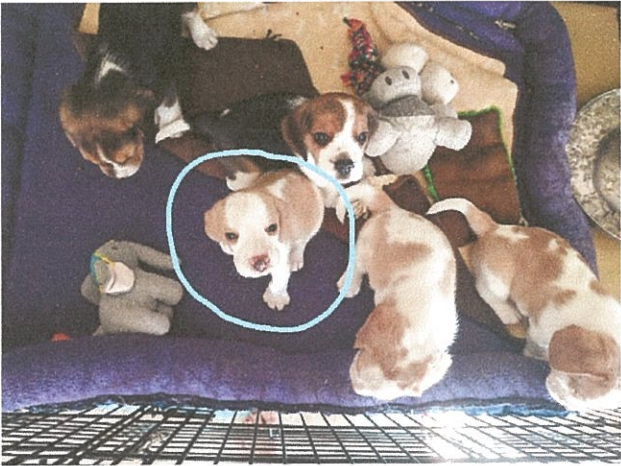
About a year ago my Mom and I contacted an AKC Breeder out of Amherst called Honey Pot Hounds, seeking a female beagle puppy. The lady showed us some pictures and explained they are show dogs that she breeds, and we were just looking for a family dog. A few days later she sent us a picture of this one puppy. She said he is a male, but she would be willing to sell him to us as a family dog. The minute we laid eyes on him we were hooked! She explained that he is much more special than any of her other puppies. He was born with a cleft lip on the left side that goes from his upper lip towards his nose. He could not latch on as a puppy, so she had to bottle feed him. Our AKC Breeder spent countless hours helping this puppy get up to speed with his siblings.

A month later we signed papers for him. We gave him a show name, not that we would show him, but who knows. We named him Honey Pot Waffles! Because how cool would it be for an announcer to say that as he comes out! His family name on the other hand is Tedy, like Tedy Bruski the football player, not Tedy Bear.

Tedy is the smartest and most handsome dog you could ever meet. I was able to teach him basic tricks like sit, hand shake and roll over within the first few months! As the months went on you could see his progression. We started teaching him to find things using his nose. We would hide items and tell him to wait, then he would go and find them. Eventually, he will be a hunting dog outside. He lives his life to his absolute full potential, if anything he is spoiled! He goes on camping trips with us, he comes to the bank to get a bone, he's made tons of doggy friends and of course he even had a stocking for Santa to leave presents.

We never say Tedy has a disability, we call it his special feature. There is nothing wrong with him even in the slightest. He learned to work around the obstacle and figure other ways to do daily tasks. He is just like any other dog. No, he is better than any other dog. Our AKC Breeder is the one who made it possible for us to have Tedy in our family. We would never have gone to a Commercial Breeder. She cared for him in the beginning when we were not there to do so. She gave her attention to him and personally helped him succeed. If he was at a Commercial Breeder, he would never have been given as much time as she gave him. If this new law is put into place, then no one can get dogs from local AKC Breeders that have any sort of special feature or needs extra attention. Then other dogs like Tedy will not be given as much love as they deserve. We chose Tedy because of his special feature. We knew we can give him all the love and extra attention that he needed. We were prepared for taking on any medical expenses that he may need in the future. Tedy has a voice, and by writing this letter I hope all of you can see what a great life he is living, solely due to the fact he came from an AKC Breeder. Thank you.

-Kayla, Family & Tedy



To: Members of the Committee hearing HB 688  
From: Emil E. and Kathryn L. Skoglund (14 Walnut Hill Rd., Amherst)  
Re: HB 688, section 437:9  
Date: 2/6/19

I am writing today concerning AKC purebred dog hobby breeders and the impact of the following language contained in HB 688, section 437:9: "...can't transfer any maimed, sick, or diseased animal other than to a qualified veterinarian or licensed animal shelter." I can only assume that this would mean that any puppies not deemed 100% free from disease or disfigurement would be caged for life or euthanized. This is unacceptable.

If this passes into law, the result would be many puppies who have mild or manageable disorders (cleft lip or palate, runty puppies, dwarfism, etc.) would lose the opportunity for a loving pet home and many happy, giving years of life with a caring and nurturing family.

We were the owners of such a puppy: Lily was the runt of the litter, shoved from the whelping box and raised oh-so-tenderly and lovingly by her breeder-Mom. Ultimately, Lily was diagnosed with chondrodystrophy (dwarfism), but continued to thrive in her home. Once she was ready to move outside of the breeder's home, we became the lucky recipients of a (free) loving, snuggly, happy, little Beagle girl. Lily lived to be 12 years old with minor health needs that were easily addressed by us and our local vet. To think that this little girl would not have had the opportunity to live such a happy, giving life or that we would never have known that beautiful face and sweet disposition is heart breaking.

We ask that you re-consider the severity (and finality) of the language in this section and leave room for defining the type of puppy who, in spite of her challenges, has the potential to live a long, happy life and give her owners the pleasure of her companionship. Moving this language forward is akin to going back to the "dark ages" when we institutionalized our children with Down Syndrome or cerebral palsy.

Sincerely,  
Kathryn L. and Emil E. Skoglund

To Whom It May Concern,

In 2007 we purchased two puppies from Cindy Williams of HoneyPot Hounds in N.H. Our Initial Intention was one puppy but when we saw Ferris, who was the runt of the litter, we had to have him.

Cindy explained to us that she had nurtured him to health from birth, In other words she saved his life. Lucky for us! A few months later Ferris was diagnosed with a liver shunt. The Vet told us that this was somewhat common with puppies who were considered to be runts. Long story short, Ferris turned out to be an exceptional dog from that point on. He passed away in 2017 leaving an empty space in our home and mostly in our hearts. He made us smile every day!! If there was ever a chance to get back any of the dogs we've had in our lifetime it would definitely be "Little Ferris". He was a Gift from God!!

Sincerely,

Linda & Rich DiCarlo





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Dog Owners of the Granite State  
*Protecting the interests of NH pet owners since 1991*

February 6, 2019

Chairman Amanda Gourgue and Members of the House Environment & Agriculture Committee—

I am writing on behalf of Dog Owners of the Granite State (D.O.G.S.) to thank you for your consideration of our position on HB 688, relative to transfer and inspection of animals. On behalf of our membership of responsible local pet owners and breeders, D.O.G.S. respectfully opposes this bill.

D.O.G.S. is an American Kennel Club affiliated non-profit organization founded in 1991 to represent the interests of all pet owners in New Hampshire. Our membership includes a vibrant and active community of specialty breed clubs, all breed kennel clubs, dog and cat breeders, veterinarians, mushers, hunters, and livestock guardian dog owners.

Towns have been ignoring cruelty cases to avoid the costs associated and therefore are creating worse situations to address. The focus for addressing animal welfare concerns in NH should be to implement the Cost of Care fund proposed in HB 501 so the towns are armed with protection from the high cost of some of these cases. Making the Department of Agriculture inspect our most responsible breeders by scooping them in as Hobby Breeders, and even Commercial Breeding kennels as outlined in this bill, only distracts from the problem.

**The solution:** We recommend, and support, re-instating health certificate tracking (with an in-depth review of concerns listed below) so we can enforce our current Commercial Kennel definition, pass the Cost of Care fund bill to protect the municipalities, and give the Department of Agriculture the resource(s) needed to enforce our effective laws already on the books.

**Is everyone a hobby breeder?** This bill turns every breeder of pet animals, in the state of New Hampshire into a “Hobby Breeder”, including anyone who has an accidental litter (so not just actual breeders). Any transfer that requires a health certificate would be under review, and since there is nothing written into this bill requiring the animal to be bred by the transferrer, this will result in additional review/investigation for the Dept. of Ag.

**Taxpayer dollars:** The creation of a new division of the Dept. of Ag. to do what is done by most State Veterinarian’s offices across the country and was previously accomplished by the NH State Veterinarians, does not seem necessary nor a reasonable use of taxpayer dollars. Simply adding one resource for monitoring incoming health certificates to the Dept. of Ag., who is versatile and can assist with other duties needed in the department, would be far more effective and help fulfill a variety of areas the department could use help with. This would also be a better use of taxpayer dollars.

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Hello,

My name is Christina Swaan. I am the founder and current president of Northeastern Reptile Welfare League, a non-profit animal rescue based out of North Haverhill, NH.

As a licensed animal shelter with the State of NH Dep. Of Agriculture my facility is already inspected to ensure it meets animal care and welfare standards. I keep records of animals I receive and adopt out, and even though it is not required by law for the species I work with, all animals in my shelter receive regular veterinary care examinations prior to being made available for adoption to members of the public.

HB688, if passed, would have little impact in the way my organization engages in the business of animal rescue or adoptions. We will still have our facility inspected, and we will continue to keep records of animals that come and go into our shelter, as well as provide veterinary care to them as necessary.

When my organization takes in an animal, we collect information on adoptees and keep it on file for our records. These records are confidential and only shared with the necessary authorities as legally required under the current NH agricultural animal health laws.

One of my chief concerns with the introduction of HB688 is the reference to requiring these records be uploaded to an electronic database which -according to the text written in the bill- may be inspected by members of the public. As someone who has dealt with the emotionally charged scenarios of confiscated animals from cruelty or neglect situations – the idea of having a database showing each animal we received, as well as who that animal went to being made available to the general public and potential animal abusers is terrifying. Imagine a scenario where you decided to adopt a dog from a shelter – if that animal came from a case involving an unstable or potentially violent animal abuser who through a friend or relative was able to obtain these transfer records - it could be a seriously dangerous situation. Additionally, a public database of all animals being bought and sold puts breeders of rare, or high-value animals at risk of theft by unsavory characters who might try to use this database as a shopping list. Exotic animal stores, bird sanctuaries, and private animal keepers are already seeing enough scenarios of break-ins and theft throughout the country.

The proposal of the public database alone is reason enough for me to oppose HB688, but there are additional lines in this bill I find concerning.

As one of the few animal shelters that deals with exotic reptiles in my region, our space for accepting surrenders from members of the public is somewhat limited. In many cases, if an owner approaches us with a healthy animal they need to rehome we often refer them to local pet stores who might be willing to take their pet for rehoming under commission. HB688 designates a "hobby breeder" as anyone who transfers fewer than 30 animals per year. Hobby breeders will be required to register and pay a \$10 fee, as well as submit their homes to inspection by authorities. Despite its name this designation seems to apply to anyone rehoming even just 1 animal, whether it's been bred or not, so even if you have just one kitten, or even an unexpected litter of gerbils to rehome you will be required to register as a hobby breeder - and remember that your name, address, and anyone you offer your pets to will have to be registered in a publicly accessible database. Additionally, it specifically states that that anyone registered as a hobby breeder cannot transfer animals to licensed pet vendors, which would include pet stores. As a rescue who has worked closely with our local pet store to give pet owners an option for rehoming their pets in times of need, I am concerned that preventing pet owners from being able to give or sell their animals to already licensed pet vendor facilities will increase the chances for cruelty and neglect

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cases when they have no other immediately available options, as well as put a significant amount of strain on the already severely limited resources of rescues like mine.

Like all animal rescue facilities, I take the health and welfare of the animals we work with very seriously. Despite not being required under current law for the species I work with, I ensure that animals being adopted from my shelter are at the very least inspected by a licensed veterinarian prior to being transferred to a new home. Because NH doesn't have a health certificate system that recognizes exotic pet reptiles we've even had our vet help us in coming up with a document of our own to provide proof of inspection and ensure that our animals are not carrying contagious disease or illness. We keep a copy of this document on file in the event it is ever required by the department for inspection.

PLS  
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In HB688, under the rules pertaining to animal shelters, there is a line that specifically exempts animal shelters from requiring health certificates to be provided at the time of transfer. I'm deeply concerned that this exemption will allow poorly managed, and underfunded private rescues to slip through the cracks in maintaining the health and welfare of the animals they're adopting out. There are MANY diseases that animals can carry which might not be immediately apparent except to the trained eye of a veterinarian, and the current health certificate requirements have been an excellent measure to ensure the continued public health and safety. I fail to see how no longer requiring a health certificate will improve animal health or welfare in this state.

Overall HB688 seems to impose a significant burden on the positive efforts organizations like my own are making to combat animal cruelty by criminalizing private petkeepers, and infringing upon the privacy rights of individuals statewide. NH already has some very good laws meant to protect animals, and combat animal cruelty – we need to see the relevant authorities step up and act to ENFORCE the current laws, not struggle with writing new ones that will be even more difficult to enforce.

As a petkeeper, animal welfare advocate, and licensed animal shelter operator, for the reasons stated above I OPPOSE HB688.



AMERICAN  
KENNEL CLUB<sup>SM</sup>

29

**Stacey Ober, J.D.**  
Legislative Analyst  
Community Outreach  
New England Region

Thursday, February 7, 2019

Representative Amanda Gourgue, Chairwoman  
New Hampshire House Environment and Agriculture Committee  
LOB Room 303  
107 North Main Street  
Concord, NH 03301

**RE: American Kennel Club Deeply Concerned with House Bill 688;  
Requests a Vote of “Inexpedient to Legislate” and Consideration of Amendments**

Chair Gourgue and Members of the House Environment and Agriculture Committee:

Founded in 1884, the American Kennel Club (AKC) is a recognized and trusted expert in health, breeding, training, and responsible dog ownership. We represent over 5,100 dog clubs nationally, including 15 in New Hampshire. We strongly support the humane treatment of dogs, including an adequate and nutritious diet, clean water, clean living conditions, regular veterinary care, kind and responsive human companionship, and training in appropriate behavior. The AKC also supports reasonable and enforceable laws that protect the welfare and health of purpose-bred dogs and do not restrict the rights of breeders and owners who meet their responsibilities.

The American Kennel Club strongly supports and actively promotes a wide range of programs to educate the public about responsible dog ownership and breeding practices. The AKC abhors animal cruelty and strongly support reasonable laws that protect the health and welfare of dogs. The AKC expects responsible dog owners and breeders to know, understand, and obey laws that apply to them.

Understandably, the case of *New Hampshire v. Christina Fay* (Case #:2018-0402)—the well-publicized Great Dane seizure case from 2017 that served as the genesis for HB 688 and its predecessor bill—has raised concerns regarding lack of enforcement of New Hampshire’s animal control and cruelty laws. On July 13, 2018, this case was sent to the New Hampshire Supreme Court and is pending appeal. ***Therefore, it may be premature to substantively amend state law in this area.*** Final resolution of the Fay case may provide valuable legal interpretation of the current statutes and concrete guidance on the proper standard for seizure and taking of someone’s property that the General Court might consider in drafting responsive policy solutions.

Consistent with the bill sponsors’ intent, the American Kennel Club supports the appropriate enforcement, and where proven necessary, strengthening of New Hampshire’s animal cruelty laws. However, we respectfully write to express serious policy concerns with HB 688’s proposed changes:

- **Defining “hobby breeder” to mean a breeder who transfers animals for a fee and transfers 30 or fewer animals per year and requiring their registration with the state is counterproductive.**

Instituting state breeding registrations has been found costly and extremely difficult to enforce. They financially penalize law abiding citizens who will comply with any law required of them to ensure their activities with their dogs, whether breeding or showing, are protected. States and localities that impose unreasonable regulatory oversight traditionally demonstrate an inverse relationship between requiring breeding permits/registrations and licensing compliance rates. New Hampshire already requires dog owners to prove rabies vaccination in exchange for paying fees to secure an individual dog license or group dog license (N.H. Rev. Stat. Ann § 466:1, 6 (1997)). Those who do not want to pay additional registration fees may avoid these licensing requirements, which often then results in avoiding vaccination and regular veterinary care. This ultimately creates greater public safety threats and health hazards.

The *Fay* case has raised concerns regarding enforcement of New Hampshire’s existing animal cruelty laws. Multiple media outlets reported that authorities did not believe Ms. Fay qualified as a “commercial kennel” as defined at N.H. Rev. Stat. Ann § 437:1 (2017) – despite behavior consistent with that activity. *Strengthening the procedures for determining whether an owner satisfies the state’s commercial kennel definition, thereby allowing inspection by authorities to ensure compliance with the state’s requirements, is warranted and appropriate given the circumstances of the Fay case.*

- **HB 688’s fiscal note estimates 1,600 people in New Hampshire meeting the proposed “hobby breeder” definition. If adopted, it would result in anyone transferring ownership of even one animal being required to register with the state and subjected to state oversight. This is both an unwarranted and very expensive overreach by government.**

Risk-based assessments in programs run by USDA-APHIS, all other states with breeder regulations, and private organizations like AKC, demonstrate that small hobby breeders present a much lower risk of noncompliance and substandard care. While still subject to other laws requiring care and appropriate treatment, such breeders have been exempted from those regulatory oversight programs, making them more efficient to operate and less costly to enforce. However, as currently worded, HB 688 would abandon those principles by requiring direct state oversight over virtually all dog breeders in New Hampshire. This would cost New Hampshire approximately \$1.5 million annually once full program implementation is achieved, with little to no impact in improving animal care in the state.

We appreciate the inclusion of an exemption from state inspection by those hobby breeders who submit a record of inspection by a breed association approved by the department of agriculture. Unfortunately, because most hobby breeders are not automatically subject to inspection by private organizations, this provision will have little impact on the number of hobby breeders that will need to be inspected by the state should HB 688 be enacted as currently worded.

- **Requiring virtually all “hobby breeders” to submit their premises, buildings, and other enclosures to regular inspections by department employees or local animal control, law enforcement, or health officials is unreasonable.**

Individuals have an expectation of privacy—whether they own companion animals or not—that is protected by the United States Constitution. Uniformly granting broad authority to a list of stakeholders (that may have alternative agendas) to inspect every hobby breeder’s private residence without reason to believe that any issue exists is unnecessary, costly, and problematic. HB 688 also fails to provide any protection against inappropriate conduct by an inspecting animal control officer or volunteer assisting with inspection or enforcement actions, or for any procedure for pursuing such a complaint.

- **Holding pet vendor licensees without a facility to an unreasonably low standard could result in a high risk of disease transmission.**

As drafted, HB 688 requires pet vendors to submit interstate certificates of veterinary inspection consistent with federal law to the department of agriculture for every imported dog, cat or ferret. The bill also allows pet vendors to source pets from anywhere, except a hobby breeder.

Historically, rescue groups were run by committed hobby breeders, kennel clubs, or other experts who carefully vetted a small number of dogs that came into their possession and matched them with appropriate homes. In fact, national breed clubs within the AKC operate the largest network of these rescue operations across the United States. Yet, over the past decade, the United States has become a dumping ground for foreign dogs imported from Turkey, several countries in the Middle East, China, and Korea, as numerous shelters and rescues have moved toward a retail rescue business model. According to the National Animal Interest Alliance, imports number an estimated one million dogs annually. Under this system, it is difficult to substantiate whether a dog coming into the state is legitimately in need of re-homing, bred for the retail rescue market, or a random-source foreign animal imported and transferred directly to the public or an animal shelter for eventual transfer to the public; and whether it has met appropriate health clearances. As a result, the United States has experienced an increase in instances of dogs with rabies, canine flu, screwworm, brucellosis and a variety of other infectious diseases related to irresponsibly-imported pets.

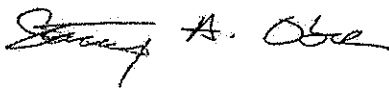
Because dog owners are required to provide proof of rabies vaccination upon town application for a dog license, *it may be better policy to require new owners of any dog imported into the state to provide proof to the town of a valid health certificate upon the same application.* For any pet vendor without a facility selling dogs to the New Hampshire public directly, this would hold them accountable to the purchaser who is obligated by state law to produce the documentation upon licensure of the dog. Purchasers not provided with a valid health certificate could then make complaint to the Department of Agriculture for investigation of the vendor’s compliance with quarantine and other requirements outlined in state law.

- **Establishing a state Animal Transfer Database to track any transfer of a dog, cat, or ferret by a licensed pet vendor or animal shelter; registered hobby breeder or pet vendor required to submit health certificates could prove problematic and costly.**

Developing and maintaining an electronic database tracking the transfer of ownership may require significant financial and human resources. Again, as an alternative, holding a dog owner responsible for producing a valid health certificate to the town upon licensure may be an efficient means of ensuring accountability and compliance without subjecting the owner's personal information to public scrutiny through access to a statewide database.

Thank you for your consideration of these concerns. The AKC strongly believes that HB 688 must not move forward as currently written. Please know that we, the Dog Owners of the Granite State, and our affiliated dog clubs are available to assist you in drafting a reasonable and enforceable update to state statute that protects animals without unfairly impinging upon responsible hobby breeders' privacy and property rights. It would be my pleasure to work closely with you in this regard. I can be reached at (919) 816-3348 or [Stacey.Ober@akc.org](mailto:Stacey.Ober@akc.org).

Sincerely,



Stacey Ober, JD  
Legislative Analyst and Community Outreach Coordinator, New England  
AKC Government Relations

CC: Members of the House Environment and Agriculture Committee  
HB 688 Sponsors – Reps. Bixby, O'Connor, Rock, Pearl, Merr; Sens. Bradley, Watters,  
Fuller Clark  
Angela Ferrari, Dog Owners of the Granite State (DOGS)

2/5/19

HB688

I am in strong opposition to HB688

I am in my seventies and have spent the past 55 years involved with breeding puppies, kittens, horses and donkeys. I love my animals. I have made it a point to produce healthy and happy pets for people who love and cherish their animals. I have also been involved in a number of animal rescues. I consider myself a hobby breeder, as I never raised more animals than I could comfortably house. That means one or two litters at a time. I am not a puppy or kitten mill, nor a pet store. I am not a pet vendor. This is not a big money making endeavor. I barely make a living. But I take great joy in helping place animals in happy loving homes.

I don't understand why more laws and regulations are supposed to help. We are all well aware of dog and cat breeders who raise and sell their animals under the radar, without vaccinations appropriate for age or veterinary health exams. How will new laws protect those animals? The old laws don't work and aren't enforced. I work at a veterinary clinic. I see puppies and kittens come in all the time without proper paperwork, vaccinations, or health certificates.

How is keeping track of transfers going to help this problem? Many animals are transferred not by the original breeders, but by secondary owners. The number of transfers is irrelevant

Writing more laws will just discourage hobby breeders while encouraging puppy and kitten mills. I believe that money is better spent on education than on passing new laws. Educate about spaying and neutering, educate about animal care, possibly help finance a population control program. But leave the hobby breeders alone.

Hobby breeders are interested in genetic diversity. We want to keep our animals healthy. By limiting who we can do business with can have untold negative consequences. Sometimes we need to reach out to pet vendors.

I am not against regulation. I am against unreasonable regulation.

Michael White



280 Dowboro Rd, Pittsfield, NH 03263

603 435-8258 [mini603@aol.com](mailto:mini603@aol.com)



HB 688

February 7, 2019

Judith Belden New London, NH resident

To: Chairman Amanda Gourgue and Members of the House Environment & Agriculture Committee

I am someone who likes peace and quiet like my Chartreux cats.

I have been drawn into this fight because you are now including cats in the definition of hobby breeders.

**I am opposed to HB 688 which is a draconian bill with many, many defects.**

The highlights that affect me as a hobby breeder are:

- Register with the state.
- Submit to inspection of my premises by the state, local officials, law enforcement, or health officials.
- Submit to inspection of records by the above-mentioned parties or any member of the public

**Point #1. Inspecting records by the public is a questionable practice.** The records belong to me and/or the prospective owner, no one else

**Point #2.** By proposing to sweep hobby breeders into registration and regulation **the bill would promote inspection of people's bedrooms.** We raise our puppies & kittens in our bedrooms because it is similar to an animal's den and is laden with our human scents. These scents help the puppies and kittens bond with us as their human moms & dads.

**Point #3. What business is it of the state of NH what hobby I practice in the privacy of my home?** Raising puppies and kittens is NOT a difficult past time when one is informed, responsible, and loves a chosen breed.

**Point #4 This bill targets the wrong people** and will not reduce animal abuse & neglect. Unfortunately, it is a fact that mental health issues are involved in these cases. Also, the poor and miss informed are often the ones who end up abusing & neglecting animals.

**Point #5** In relation to our population, the number of abuse & neglect cases is limited. The vast majority of people in the state of NH are responsible people who love their animals.

We do not need yet another bill in NH. Let's enforce the laws we have.

HB 688 targets innocent people, suggests questionable practices, and invades the privacy of NH residents.... the list could be longer, I have only selected a few points.

I am opposed to HB 688 and ask you to vote NO on this bad bill.

Sincerely,

Judith Belden

**George W Cook IV  
241 Ingerson Rd  
Jefferson NH 03583**

February 6, 2019

Peter Bixby  
69 Glenwood Ave  
Dover, NH 03820

Dear Chairman Gourke and members of the House Environment and Agriculture Committee,

I am writing in opposition to HB 688, which is flawed in so many ways my most difficult task will be to keep this a short piece of testimony.

To begin with, the proposed changes to RSA 437 nearly doubles the word count of the existing legislation. Granted, one of the major changes being proposed is the establishment of an entire new division of the NH Department of Agriculture which would necessitate some lengthy definition. However, there are many inaccuracies also contained within the language of HB 688 adding confusion to an already poorly understood law. I will present my comments on HB 688 going down the bill in order of section below.

Section 437:1 II redefines "commercial breeding kennel" as an entity that transfers 31 or more puppies in any 12 month period, a drastic change from the existing threshold of 10 litters or 50 puppies. There is no demonstrated need to alter the existing threshold. Furthermore, changes are being proposed in SB 161 to delete the definition of "commercial breeding kennel" altogether, so this will create an inconsistency.

Section 437:1 IV creates a new and inappropriate definition for a "hobby breeder" that could include any individual who sells even one animal in a year which is an unreasonable overreach into a potentially large population of the State. "Animal" is too broad a term to use in this context.

Section 437:1 V regarding "pet vendors" is also under potential revision as a result of SB 161, therefore this section may not be appropriately worded. In addition, this section specifically excludes a class called "working dog breeders" which is otherwise undefined anywhere within the statute, though the term appears multiple times.

Section 437:3 establishing the Companion Animal Welfare Program of the Department of Agriculture is an overly ambitious goal whose fiscal impact, I believe, is not well represented in the fiscal note. This program will not have nearly the revenue it supposes and has expenses that are optimistically low.

Section 437:4 creates an ambitious database which will take many more years than presumed to be created and populated with the data that it intends, by requirement, to be able to present to House and Senate "standing committees". I am not suggesting that this database would not be a valuable tool, I am suggesting that it is an overly ambitious proposal. As an additional example, 437:4,II presumes that the reporting system will be designed to receive electronically transmitted reports from all submitters- what provisions will be made to handle non-electronic submissions?

Section 437:5 is especially troubling in that the "pet vendor" license (remembering that the definition of pet vendor is, as yet, undecided due to competing definition modification in this legislative season) creates a trap for any licensee by tying the license to a presumption of compliance with local zoning laws, which may or may not have applied when the use started. There must be some form of grandfathering allowed for this section to be valid at all. Although Section 437:1, V specifically excludes "hobby breeder" from being defined as a "pet vendor" this is not protection enough. Section 437:5, III is also particularly troubling by specifically allowing "any member of the public" to inspect records at will. This potential that this creates for harassment and capricious searches is enormous and just asking for trouble. The other item that is missing from Section 437:5 is the requirement for all transfers to be accompanied by a health certificate. If in fact the Declaration of Policy in Section 437:2 is to focus on "public health", then a health certificate should be mandatory for any transfer.

Section 437:6 contains the same deficiencies in language described above for Section 437:5. In addition, the issue of the health certificate comes up once again but is even more troubling. There is no justification for exempting shelters from the requirement to provide a health certificate. They have the ability, the knowledge, and the resources to provide a health certificate. Passing the burden of health inspection on to an unsuspecting new owner of an animal with no recourse is unconscionable.

Section 437:7 contains the same deficiencies in language as described above for sections 437:5 and 437:6 but with even more drastic consequences. By allowing health officials and /or "any member of the public" to have access to a private residence to inspect records is an enormous invasion of privacy, a security risk, and a biosecurity nightmare for a breeder that may have unvaccinated puppies on the premises (because they are too young for vaccination protocols) that could be exposed to potentially deadly diseases by such an inspection. And then we are back to the health certificate issue- why is it that only the "hobby breeder" is specifically told they must provide a health certificate?

Section 437:8 creates overly broad terms by which a license or registration can be denied suspended or revoked since any violation of "the statutes of the state of New Hampshire or the United States" can be grounds for suspension or revocation. A driver's license revocation, bank fraud, you name it, it's included here.

## Our Sugar Gliders Sanctuary and Rescue of New Hampshire



I oppose House Bill 688 as a New Hampshire resident and responsible animal owner/breeder. This bill is perhaps the greatest example of government overreach I have witnessed. Not only does every person who ever transfers an animal need to register with the State, but he also must surrender his 4th Amendment rights. Can you imagine being treated like a criminal by state inspectors or local law enforcement because you had a litter of puppies or you hatched a couple gecko eggs? Criminals have police going through their homes, not someone who breeds a couple parrots or hamsters.

There is absolutely no legitimate reason to regulate hobby breeders. The proposed Animal Transfer Database is nothing more than a tool to be used radical animal rights groups to remove all animals from our lives. New Hampshire legislators have been misled and manipulated by extremists claiming to be animal welfare advocates. Those supporting this bill are feeding you made up statistics and erroneous hype.

HB688 will not solve any problems but it will create plenty, including making criminals out of everyday citizens who would never suspect they need to register with the state to sell a couple geckos or parakeets. New Hampshire already has animal welfare and cruelty laws. Enforce those!

Do you not understand that this is going to cause more "dumped" kittens and puppies?

We have Laws already on the books that the state doesn't enforce adding more laws is not the answer.

You have people going down south picking up puppies and kittens off the sides of the roads to bring back up here to sell without ever seeing a vet... who have parvo, the list goes on at the people they should be looking at or charging before making all kinds of new laws.

If we don't enforce the laws already in place what's the point in making new ones ?

We run a rescue out of our house. Do you think people who are going to give us Sugar gliders are going to get a permit first? They're sick/dying and previous owners don't care. Please do what is right for New Hampshire, the animals, and your constituents by stopping HB688 dead in its tracks. Thank you for your time and have a good day.

Sincerely,

Jen Hammarstrom

I am writing about HB688. As a resident of the State, and a animal owner that is responsible, I feel this bill is, and will be bad for the State of New Hampshire all hobby breeders, and anyone who is, or has to transfer their animal(s).

This bill is overstepping the bounds of government. We do not need to have government telling us that we need to register to transfer animals. This will be hard on everyone, but mainly on the animals. For someone to go out and buy a animal, and then have to go to the state and buy a permit, I feel that we will see a lot of animals on the street.

If this bill passes, and goes into law, people that want to surrender (a)animal(s), may be throwing that animals out on the street. I feel this bill is unnecessary for the following reasons:

1. Every person will be under state jurisdiction and have to subsume to the state and lose ALL rights, including their 4<sup>th</sup> Amendment right of searches.
2. This will give animal rights groups information ti give their cause on ways to remove animals from our lives altogether. And this will give them access to EVERY animal breeder and seller in our State.
3. The database is going to cause more problems than it is going to solve.
4. This will add more work for LEO, ACO, SPCA members.
5. We have sufficient animal cruelty and welfare laws. Those are the laws that NEED to be enforced.
6. If someone breeds their cat / dog / geckos / rabbit or any other animals for their use, will they be considered a hobby breeder and be considered, or even yet, be thought of as selling that animal?

If passed, this is going to affect everyone and anyone who has a litter. How are we going to enforce this? If passed, is the local PD / ACO / SPCA going to come knocking on our doors and this law GIVES them the right to come in? I feel we need to have the laws that are already in effect be enforced rather than make new laws giving the authorities the right to come in to our house on a whim.

Sincerely,

Erik D. Hammarstrom

8 Ferndale Rd

Raymond, NH

### Opposition of HB688

I am a native NH resident and have deep concerns about this proposed bill. I have a family with two young children and have bred, shown in conformation, and hunted with Labrador retrievers for the last 25 years and been an active member of the Merrimack Valley Kennel Club for several years. My kids are also junior members of the club and have started to be involved with this hobby that we are very proud to be a part of. We have learned more about animal husbandry from being in a club than any other avenue of available resources.

This past weekend I watched a very terrifying social media event unfold where a lifelong breeder in NJ was being harassed by animal activists outside her yard on the road because of letting her dogs out to relieve themselves during the cold spell. Even though she was visited by authority and checked out to be fine they harassed and made disgusting remarks on her facebook page. I fear with this open database that you are inviting danger to the innocent citizens of New Hampshire. These activists are a brutal bunch and my family and children will never feel safe in our own home again if this moves forward. Years ago I had a sad encounter with an activist where I am pretty certain they poisoned a dog of mine on a visit so we are very guarding of our location and check people out in several ways before we disclose our address and invite visits. We have always been publicly discreet with our address for this very reason. We have minors who live with us and do not want to bring danger to them either.

I do not like the idea of surprise and unwarranted visits. It could put a whelping bitch and her being born pups in medical danger if one had to step away and tend to visitors. People do not realize but whelping a litter of pups can take a day or sometimes extend into two days. It's a very intense time and we would not even answer our door if we were home and risk getting pulled away at this critical time.

I worry about biosecurity having people in my house when they have been to other breeders. I don't even allow my kids to have friends over until puppies are older and have been vaccinated for diseases that can possibly be carried in on shoes and clothing. I make sure anyone visiting my house has not been around to other dog facilities within 5 days of their visit as well.

The 14 day post transfer guarantee could mean that breeders would be liable for diseases that could have resulted in exposures after they left the breeder and under the care of the new owner and had nothing to do with the breeders neglect and selling a sick or diseased puppy.

You cannot count health certificates as being the sale or transfer of a dog. I have needed to get health certificates for other reasons like travel purposes with my animals that I never intended to sell and know several people that do the same that have never even bred a dog. They might only show and/or travel by plane several times a year with the same dog (s) even. I might be getting a health certificate for a puppy that I am keeping in my breeding program and not selling because I have not decided which one to keep until the vet had checked them out also.

I am trying to figure out how this law will be any more enforceable than the current laws and protect animals from cruelty. I see it's just a way to spread more government power and control over peoples every day private lives but not result in prevention of all cruelty. It seems like an enormous expense for our state to build this kind of structure all for a few high profile situations that I am not convinced they followed current rules so who is to say those sorts of people would be following new rules. There has to be another more economical and less privacy invasive way.

I appreciate all the concerns about animals because I am a very compassionate animal lover and dislike cruelty to any living thing but I do not think this bill is the right way to move forward to keep the people in our state safe and protected. If you had to chose between safety and following the law what decision would you make? Hopefully the right one. Please oppose this bill.

Thank you for your consideration of this letter.

Kate Champney,

# Bill as Introduced

HB 688-FN - AS INTRODUCED

2019 SESSION

19-0089

08/04

HOUSE BILL            **688-FN**

AN ACT                relative to transfer and inspection of animals.

SPONSORS:            Rep. Bixby, Straf. 17; Rep. O'Connor, Rock. 6; Rep. Pearl, Merr. 26; Sen. Bradley, Dist 3; Sen. Watters, Dist 4; Sen. Fuller Clark, Dist 21

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill:

- I. Makes changes to the definition of pet vendor and defines hobby breeder.
- II. Establishes the companion animal welfare division in the department of agriculture, markets, and food.
- III. Establishes the animal transfer database in the department of agriculture, markets, and food.
- IV. Creates a license for animal shelters and modifies the license for pet vendors.
- V. Allows hobby breeders to register with the department of agriculture, markets, and food.

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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.



STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT                   relative to transfer and inspection of animals.

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

1           1 Transfer of Animals or Birds. RSA 437:1-10 are repealed and reenacted to read as follows:

2           437:1 Definitions. In this subdivision:

3           I. "Animal shelter facility" means:

4                 (a) A facility, including the building and the immediate surrounding area, which is used  
5 to house or contain animals and which is owned, operated, and maintained by a duly incorporated  
6 humane society, animal welfare society, society for the prevention of cruelty to animals, or other  
7 nonprofit organization devoted to the welfare, protection, and humane treatment of animals; and

8                 (b) A public pound for the housing of strays or a pound operated by any person,  
9 excluding veterinarians, who contracts with a municipality to serve that function.

10           II. "Commercial breeding kennel" means any person, business, corporation, or other entity  
11 that transfers 31 or more puppies in any 12-month period.

12           III. "Commissioner" means the commissioner of the department of agriculture, markets,  
13 and food.

14           IV. "Hobby breeder" means a breeder who transfers animals for a fee and transfers 30 or  
15 fewer animals per year.

16           V. "Pet vendor" means any person, firm, corporation, or other entity engaged in the  
17 business of transferring live animals or birds customarily used as household pets to the public, with  
18 or without a fee or donation required, and whether or not a physical facility is owned by the licensee  
19 in New Hampshire, when transfer to the final owner occurs within New Hampshire. "Pet vendor"  
20 shall not include animal shelter facilities, hobby breeders, and working dog breeders.

21           VI. "Transfer" means transfer of ownership of live animals or birds from any person, firm,  
22 corporation, or other entity to a member of the public who will be the intended final owner of the  
23 transferred animal.

24           437:2 Declaration of Policy. This subdivision establishes standards for the regulation of animal  
25 health and welfare that are consistent with the pattern established throughout statute by the  
26 general court. Animal health regulation shall focus either on those conditions that pose a threat to  
27 public health, that would require regulatory intervention to protect the economy of the state, and on  
28 assuring the humane treatment of animals.

29           437:3 Companion Animal Welfare. There is established in the department of agriculture,  
30 markets, and food a program to oversee companion animal welfare. The program shall:

31           I. Develop and oversee a database tracking animal transfers, animal health certificates,

1 rabies vaccinations, licensing and registration of pet vendors, shelters, and hobby breeders.

2 II. Perform regular inspections and inspections of licensees and registrants upon receipt of  
3 a complaint.

4 III. Oversee the licensure and registration of pet vendors, shelters, and hobby breeders.

5 IV. Provide education and advice to animal control officers, and local and state law  
6 enforcement on animal welfare and animal cruelty prevention.

7 V. Investigate transfers of animals that violate this subdivision.

8 437:4 Animal Transfer Database Established.

9 I. The department shall maintain a statewide database of all persons licensed as pet  
10 vendors or animal shelters, persons registered as hobby breeders; health certificates for any  
11 transfer of a dog, cat, or ferret for which it is required; records of all rabies vaccinations, records of  
12 quarantine for any animal brought into New Hampshire for transfer; any records required of pet  
13 vendors for the transfer of any animal that is not a dog, cat, or ferret, and the number of individual  
14 and group licenses issued each year by each municipality in New Hampshire under RSA 466.

15 II. The department shall maintain a reporting system capable of receiving electronically  
16 transmitted reports from veterinarians, pet vendors, animal shelters, and hobby breeders, within 6  
17 months of the effective date of this section.

18 III. In addition to the department's reporting responsibilities under this section, beginning  
19 in 2020 the department shall submit a biennial report to the standing committees overseeing animal  
20 issues in both the house and the senate on or before August 1, regarding the number of transfers  
21 made, the number of licenses and registrations for animal transferors issued, and the number of  
22 individual and group licenses issued each year by each municipality in New Hampshire.

23 437:5 Pet Vendor License Requirements. No pet vendor shall transfer animals or birds without  
24 a license. A pet vendor shall apply to the commissioner for a license, giving such information as the  
25 commissioner shall require. The application shall include proof that the zoning enforcement official  
26 of the municipality wherein any facility is to be maintained has certified that the facility conforms  
27 to the municipal zoning regulations. The application shall be accompanied by a non-refundable  
28 \$200 fee. All licenses shall expire on June 30 of each year and be subject to renewal upon  
29 submission of a renewal application and fee. No licenses shall be transferable. A pet vendor  
30 licensed under this subdivision shall:

31 I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures  
32 used in the business of dealing in live animals or birds customarily used as household pets.

33 II. Submit premises, buildings, and other enclosures to unannounced inspection during  
34 regular and customary business hours by department employees or local animal control, law  
35 enforcement, or health officials at reasonable times.

36 III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law  
37 enforcement, or any member of the public, a proper record in which all live animals or birds  
38 customarily used as household pets obtained or transferred shall be listed, including the breed, date

1 the animal was obtained and transferred, and from whom the animal or bird was obtained and to  
 2 whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo  
 3 number of each animal or bird, where applicable. Animals or birds that do not bear such  
 4 identification shall be identified by recording markings, a physical description and any other  
 5 information as the commissioner deems necessary to identify such animals or birds.

6 IV. Keep records of all animals or birds intended for transfer indicating identification, point  
 7 of origin, and recipient, and shall submit said records to the commissioner upon request.

8 V. Abide by such other rules as the commissioner may adopt to control disease.

9 VI. Licensees without a physical facility in New Hampshire shall be exempt from facility  
 10 inspection, however an interstate certificate of veterinary inspection meeting the requirements of  
 11 the United States Department of Agriculture, Animal and Plant Health Inspection Service, from the  
 12 state of origin for every imported dog, cat, or ferret handled by the licensee shall be submitted to the  
 13 department for inclusion in the animal transfer database within one month of the date the  
 14 certificate was issued.

15 437:6 Animal Shelter License Requirements. No animal shelter shall transfer animals or birds  
 16 without a license. An animal shelter shall apply to the commissioner for a license, giving such  
 17 information as the commissioner shall require. The application shall include proof that the zoning  
 18 enforcement official of the municipality wherein any facility is to be maintained has certified that  
 19 the facility conforms to the municipal zoning regulations. The application shall be accompanied by  
 20 a non-refundable \$200 fee. All licenses shall expire on June 30 of each year and be subject to  
 21 renewal upon submission of a renewal application and fee. No licenses shall be transferable. An  
 22 animal shelter licensed under this subdivision shall:

23 I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures  
 24 used in the business of dealing in live animals or birds customarily used as household pets.

25 II. Submit premises, buildings, and other enclosures to unannounced inspection during  
 26 regular and customary business hours by department employees or local animal control, law  
 27 enforcement, or health officials at reasonable times.

28 III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law  
 29 enforcement, or any member of the public, a proper record in which all live animals or birds  
 30 customarily used as household pets obtained or transferred shall be listed, including the breed, date  
 31 the animal was obtained and transferred, and from whom the animal or bird was obtained and to  
 32 whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo  
 33 number of each animal or bird, where applicable. Animals or birds that do not bear such  
 34 identification shall be identified by recording markings, a physical description and any other  
 35 information as the commissioner deems necessary to identify such animals or birds.

36 IV. Keep records of all animals or birds intended for transfer indicating identification, point  
 37 of origin, and recipient, and shall submit said records to the commissioner upon request.

38 V. A licensee under this section shall not be required to submit a health certificate to the

1 department at the time of transfer. However, such licensee shall notify the department that such  
2 transfer has taken place. The licensee shall also advise the transferee in writing to have a health  
3 certificate completed by a licensed veterinarian within 14 days of the transfer.

4 VI. Comply with such other rules as the commissioner may adopt to control disease.

5 VII. Have on premises a microchip scanner and shall maintain a file of recognized pet  
6 retrieval agencies, including but not limited to national tattoo or microchip registries.

7 VIII. Inspect for tattoos, ear tags, or other permanent forms of positive identification on  
8 animals where an owner is not known and shall scan for a microchip upon admission of an  
9 unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of  
10 an unclaimed or abandoned animal.

11 437:7 Hobby Breeder; Registration Requirements. A person who transfers animals for a fee  
12 and transfers 30 or fewer animals in a year shall register with the department. The application  
13 shall be accompanied by a non-refundable \$10 fee. All registrations shall expire on June 30 of each  
14 year and be subject to renewal upon submission of a renewal application and fee. No registrations  
15 shall be transferable. A hobby breeder registered under this subdivision shall:

16 I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures  
17 used in the business of dealing in live animals customarily used as household pets.

18 II. Submit premises, buildings, and other enclosures to scheduled inspections by  
19 department employees or local animal control, law enforcement, or health officials at reasonable  
20 times.

21 III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law  
22 enforcement, or any member of the public, a proper record in which all live animals customarily  
23 used as household pets obtained or transferred shall be listed, including the breed, date the animal  
24 was obtained and transferred, and from whom the animal or bird was obtained and to whom the  
25 animal was transferred. Such record shall also show the microchip, leg band, or tattoo number of  
26 each animal or bird, where applicable. Animals that do not bear such identification shall be  
27 identified by recording markings, a physical description and any other information as the  
28 commissioner deems necessary to identify such animals.

29 IV. Keep records of all animals intended for transfer indicating identification, point of  
30 origin, and recipient, and shall submit said records to the commissioner upon request.

31 V. Provide a health certificate in accordance with RSA 437:10-d to the transferee.

32 VI. Shall not transfer animals to pet vendors.

33 VII. Comply with such other rules as the commissioner may adopt to control disease.

34 437:8 Refusal to Issue; Suspension or Revocation of License or Registration. The commissioner,  
35 after notice to the licensee or registrant and opportunity for hearing, as set forth in the rules  
36 adopted under RSA 437:10-e, may deny an application, suspend or revoke a license or registration  
37 for any of the following reasons:

38 I. The applicant, licensee, or registrant violated the statutes of the state of New Hampshire

1 or of the United States or any rule adopted by the commissioner pursuant to this chapter;

2 II. The applicant made false or misleading statements in his or her application for a license  
3 or registrant;

4 III. The licensee or registrant knowingly transferred any animal affected with a  
5 communicable disease except as allowed under RSA 437:9 and RSA 437:10-d, II;

6 IV. The licensee or registrant ceased to operate the business for which the license or  
7 registrant was issued;

8 V. The conditions under which the license or registration was issued are not being  
9 maintained; or

10 VI. The applicant, licensee, or registrant held any similar license or registration issued in  
11 another jurisdiction or by the United States Department of Agriculture which was revoked or  
12 suspended by that jurisdiction or by the United States Department of Agriculture as a result of  
13 engaging in conduct prohibited by RSA 437 during the preceding 5 years.

14 VII. Decisions of the commissioner shall be subject to rehearing and appeal under RSA 541.  
15 437:9 Prohibition. No licensee or registrant under this subdivision shall transfer, other than to  
16 a qualified veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or  
17 bird other than as permitted under RSA 437:10-c, II, nor shall any licensee or registrant treat  
18 inhumanely any animal or bird in his or her care or possession or under his or her control.

19 437:10 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs  
20 that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of  
21 livestock or poultry.

22 437:10-a Inspections. Inspections of facilities of licensees and registrants under this  
23 subdivision shall occur at the following times:

24 I. For pet vendors with a physical facility in New Hampshire:

25 (a) At the time of the initial application for a license.

26 (b) One random, unannounced inspection within 5 years of the previous inspection.

27 (c) A follow up inspection to determine if deficiencies found on the previous inspection  
28 have been corrected.

29 II. For animal shelters:

30 (a) At the time of the initial application for a license.

31 (b) One random, unannounced inspection within 5 years of the previous inspection.

32 (c) A follow up inspection to determine if deficiencies found on the previous inspection  
33 have been corrected.

34 III. For hobby breeder or working dog breeder registrants:

35 (a) A scheduled inspection within one year of registration.

36 (b) One scheduled inspection within 5 years of the previous inspection. Records of  
37 inspection by a breed association, such as the American Kennel Club, approved by the department  
38 may be used in lieu of a scheduled inspection.

1 (c) A follow up inspection to determine if deficiencies found on the previous inspection  
2 have been corrected.

3 IV. Any licensed pet vendor or animal shelter or registered hobby breeder or working dog  
4 breeder may be inspected if the department receives a written and signed complaint regarding such  
5 licensee or registrant. The department shall not disclose the name of the complainant unless  
6 required to do so for court proceedings. A complainant with a pattern of unfounded complaints may  
7 be charged with harassment.

8 437:10-b Requirements for the Transfer of Companion Animals.

9 I. For transfers of animals originating outside of New Hampshire:

10 (a) No person, firm, corporation, or other entity shall ship or bring into the state of New  
11 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8  
12 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or  
13 ferret less than 8 weeks of age.

14 (b) Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held  
15 at least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed  
16 veterinarian separated from other animals on the premises before being offered for transfer and  
17 shall be accompanied by an interstate certificate of veterinary inspection that meets the standards  
18 of the United States Department of Agriculture, Animal and Plant Health Inspection Service.

19 (c) Evidence of the satisfaction of the quarantine requirement in subparagraph (a), the  
20 accompanying interstate certificate of veterinary inspection, and the issued health certificate upon  
21 transfer shall be reported to the department.

22 II. For transfers of animals from licensed pet vendors:

23 (a) No person, firm, corporation, or other entity shall ship or bring into the state of New  
24 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8  
25 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or  
26 ferret less than 8 weeks of age.

27 (b) All dogs, cats, and ferrets transferred to or from the vendor shall be recorded in the  
28 licensee's records. Records of all animals transferred to or from the vendor shall also be submitted  
29 to the department for inclusion in the transfer database established in RSA 437:4. Each record  
30 shall include:

31 (1) Clear identification of the animal by microchip, tattoo, or leg band number if  
32 available. If these are unavailable, identification by a physical description that includes markings  
33 and other characteristics which may be required by the commissioner under rules.

34 (2) The breed of the animal.

35 (3) The date the animal or bird was obtained and transferred, and name and  
36 address of the person from whom the animal or bird was obtained.

37 (4) The name and address of the person to whom the animal was transferred on the  
38 date of transfer.

1 (5) A copy of the health certificate issued under RSA 437:10-d

2 (6) Certification of rabies vaccination

3 (7) Documentation of any veterinary examinations, treatments, or procedures.

4 (c) The licensee shall provide the transferee with a copy of a health certificate issued  
5 under RSA 437:10-d and a rabies certificate.

6 (d) The licensee shall provide the transferee with written information regarding the  
7 provisions of RSA 437:10-c, II.

8 (e) All other animal transfers shall be recorded in licensee's records and reported to the  
9 database as may be required in rules. At the least, the total number of transfers of each type of  
10 animal shall be reported.

11 III. For transfers of animals from licensed animal shelters:

12 (a) No person, firm, corporation, or other entity shall ship or bring into the state of New  
13 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8  
14 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or  
15 ferret less than 8 weeks of age.

16 (b) All animals transferred to or from the vendor shall be recorded in the licensee's  
17 records. Records of all animals transferred to or from the vendor shall also be submitted to the  
18 department for inclusion in the transfer database established in RSA 437:4. Each record shall  
19 include:

20 (1) Clear identification of the animal by microchip, tattoo, or leg band number if  
21 available. If these are unavailable, identification by a physical description that includes markings  
22 and other characteristics which may be required by the commissioner under rules.

23 (2) The breed of the animal.

24 (3) The date the animal or bird was obtained and transferred, and name and  
25 address of the person from whom the animal or bird was obtained.

26 (4) The name and address of the person to whom the animal was transferred on the  
27 date of transfer.

28 (5) If obtained, a copy of the health certificate issued under RSA 437:10-d.

29 (6) Certification of rabies vaccination if the animal is over 12 weeks of age.

30 (7) Documentation of any veterinary examinations, treatments, or procedures.

31 (c) If no health certificate is provided, the licensee shall advise the transferee in writing  
32 to have a health certificate completed by a licensed veterinarian within 14 days of transfer.

33 (d) The licensee shall provide the transferee with written information regarding the  
34 provisions of RSA 437:10-c, II.

35 437:10-c Health Management; Dogs, Cats, and Ferrets.

36 I. Medical treatment and use of controlled drugs on any animal or bird under the care or  
37 possession or under the control of any licensee other than a veterinarian may be administered only  
38 under the direction and supervision of a veterinarian for the purposes of this subdivision.

1 II. Within 14 days of transfer, the transferee of a dog, cat, or ferret from a licensee may  
2 have the dog, cat, or ferret examined by a licensed veterinarian selected by the transferee and,  
3 unless said examination indicates the dog, cat, or ferret to be free of disease, the transferee shall be  
4 entitled to substitution or, at the transferee's option, a full refund of the purchase price of the dog,  
5 cat, or ferret, if applicable, upon return of the dog, cat, or ferret to the licensee within 2 business  
6 days of said examination, accompanied by the veterinarian's statement that the animal is not free of  
7 disease.

8 437:10-d Health Certificates for Dogs, Cats, and Ferrets.

9 I. For purposes of this chapter, an official health certificate means a certificate signed by a  
10 licensed veterinarian, containing the name and address of the entity transferring ownership of the  
11 dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or  
12 physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog,  
13 cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list  
14 of all vaccines and medication administered to the dog, cat, or ferret shall be included on or  
15 attached to the certificate.

16 II. A health certificate shall be issued for every dog, cat, or ferret transferred by a pet  
17 vendor or hobby breeder or working dog breeder within this state. The original of the official health  
18 certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the  
19 premises where dogs, cats, and ferrets are displayed, uploaded the animal transfer database and  
20 made available for inspection by the department, local officials, or a member of the public upon  
21 request up to one year after the animal has left the facility. The public shall be informed of their  
22 right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in  
23 the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, that  
24 animal's health certificate shall be given to the transferee in addition to any other documents which  
25 are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has  
26 a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has  
27 caused it to fail its examination by a licensed veterinarian for an official health certificate. The  
28 transferee shall sign a waiver that indicates the transferee has knowledge of such dog, cat, or  
29 ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send  
30 a copy to the state veterinarian.

31 437:10-e Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A,  
32 relative to:

33 I. The information required from an applicant for a license as a pet vendor or animal  
34 shelter;

35 II. The information required from an applicant for a registration as a hobby breeder or  
36 working dog breeder.

37 III. The health and sanitation standards to effectuate the purposes of this subdivision;

38 IV. Information required to be maintained in records of pet vendors regarding identifying



Vehicles			\$120,000	
Office Space/Expenses (To Be Decided)	TBD	TBD	TBD	TBD
<b>Total Expenditures</b>	<b>\$455,000</b>	<b>\$455,000</b>	<b>\$1,533,000</b>	<b>\$1,453,000</b>

The Department made the following general assumptions in determining the estimated impact on state revenue and expenditures due to this bill:

- the intent of this legislation is to put the humane treatment of animals on par with the existing mission priorities of the Department and this increase in the Department's mission will be adequately resourced;
- although the law would be signed effective January 1, 2020, the implementation of the database needed to operationalize this bill would not be effective until January 1, 2022;
- the new Division' staffing needs will be somewhat modeled after Maine's Animal Welfare Program; and
- office space is not calculated in the estimated expenses, since it has not been determined where this new Division would be located.

Department Revenue: This bill requires all pet vendors and animal shelters, as defined in this bill, seeking to transfer or house animals or birds to apply for a license and pay a \$200 fee. For this revenue source, the Department assumes 225 licenses will apply each year. Additionally, this bill requires hobby breeders, who transfer less than 31 animals a year, to pay a \$10 registration fee. The Department estimates 1,600 hobby breeders would register with the Department under this bill based on applying national pet ownership statistics to New Hampshire and making a series of assumptions on the amount of applicable animal transfers which would be by hobby breeders.

Base Non-legal Staffing: The Department modeled their base staffing needs on the number of core staff within the Maine's Animal Welfare Program, which regulates pet vendors, and has similar responsibilities described in this bill. Maine's Animal Welfare Program has a total of 16 Full-Time-Equivalent (FTE), but some responsibilities overlap with the responsibilities of NH's Division of Animal Industry. The Department estimates 10 FTEs within Maine's Animal Welfare Program that are performing a function required of this bill. However, since Maine's current staffing does not allow for the level of follow-up inspections required in this bill or cover all specific responsibilities under this bill, the Department estimates an additional two inspectors are required for follow-up and an additional IT specialist to operate the database required in this bill. Excluding legal staffing needs, base staffing would be: 8 inspectors, 1 administrator, 1 technical support specialist, 2 administrative secretaries, and 1 veterinarian. The estimated increase to expenditures is as follows:

Position	Number of	FY 2022 Salary and	FY 2023 Salary and
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	Positions	Benefit Costs	Benefit Costs
Inspectors (LG 18, Step 1)	8	\$544,000	\$560,000
Administrative Secretary (LG 14, Step 1)	2	\$122,000	\$128,000
Administrator II (LG 29, Step 1)	1	\$94,000	\$99,000
Technical Support Specialist VI (LG 32, Step 1)	1	\$104,000	\$109,000
Veterinarian (LG EE, Step 1)	1	\$101,000	\$107,000
		<b>\$1,076,000</b>	<b>\$1,116,000</b>

Legal Staffing: The Department estimates 75 cases a year due to administrative actions against licensees and registrants under this bill. Currently, the Department reports handling these type of activities in-house without dedicated legal counsel. The hiring of a dedicated attorney, comparable to a similar position within the Department of Justice, to process these administrative actions would increase salary and benefit expenditures by \$113,000 once the program became operational and each year thereafter. Additionally, 75 hearings would require a hearing officer with appropriate independence to oversee hearings. The Department estimates this could potentially be done by dividing the cases between other divisions within the Department or by contracting for a hearing officer at a rate of \$50 per hour for an estimated increase in expenditures of \$37,500 during the first program year and each year thereafter (10 hours per case X \$50 per hour X 75 cases a year). The estimated increase to expenditures is as follows:

Position	Positions	FY 2022 Salary and Benefit Costs	FY 2023 Salary and Benefit Costs
Attorney III (LG 30, Step 5)	1	\$111,000	\$113,000
Hearing Officer Contractor	0.5	\$37,000	\$37,000

Information Technology: The Department used expenses associated with the NH Vital Records Information Network as a proxy for the database required in this bill. The Department estimates the total initial cost of the database will be \$750,000 over the first two years of implementation. Additionally, during those two years an information technology project manager will be required to assist in the design and roll out of the database with an estimated expense of \$80,000 per year. Once launched, the Department estimates annual licensing and support cost will total \$300,000 each year.

Vehicle Expenses: Under the assumption of 8 additional inspectors being employed within the Division, the Department estimates an increase of equipment expenses by \$120,000 for the purchase of 8 vehicles at a cost of \$ \$15,000 per vehicle.

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Simple Criminal Case	\$296	\$301
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney -- Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel -- Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620
FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

**AGENCIES CONTACTED:**

Department of Agriculture, Markets, and Food, Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties