

LEGISLATIVE COMMITTEE MINUTES

SB162

Bill as Introduced

SB 162 - AS INTRODUCED

2023 SESSION

23-0808
08/05

SENATE BILL **162**

AN ACT relative to exemptions from rabies vaccinations for dogs, cats, and ferrets.

SPONSORS: Sen. Pearl, Dist 17

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill makes the initial period for an exemption from the rabies vaccination for dogs, cats, and animals annual with the recertification of a veterinarian.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to exemptions from rabies vaccinations for dogs, cats, and ferrets.

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

1 1 Rabies Vaccinations; Dogs, Cats and Ferrets; Exemptions. Amend RSA 436:100, II to read as
2 follows:

3 II. A rabies immunization exemption may be issued, where illness or a veterinary medical
4 condition warrants, by the local rabies control authority upon the written recommendation of a
5 veterinarian licensed under RSA 332-B. The recommendation shall also be signed by an American
6 College of Veterinary Internal Medicine diplomate and the state veterinarian. ***The exemption***
7 ***shall be valid for one year. After the initial one year has expired and if the animal still***
8 ***qualifies for the exemption, the exemption shall be recertified by a veterinarian licensed***
9 ***under RSA 332-B on an annual basis.*** The exempted animal shall be maintained in strict rabies
10 isolation, under conditions that are at the discretion of the local rabies control authority, until such
11 time as the medical condition has been resolved and the animal can be immunized against rabies.
12 Exempted animals shall not be allowed outdoors without being on a leash and shall be under the
13 direct physical control of an adult owner at all times. In addition, when the animal is outdoors, it
14 shall be muzzled in a manner approved by the local rabies control authority. ~~[The exemption shall~~
15 ~~be valid for no more than one year from the date of the last signature on the written~~
16 ~~recommendation for exemption.]~~

17 2 Effective Date. This act shall take effect July 1, 2023.

SB 162 - VERSION ADOPTED BY BOTH BODIES

2023 SESSION

23-0808
08/05

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CHAPTER 101
SB 162 - FINAL VERSION

2023 SESSION

23-0808
08/05

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AN ACT

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Sen. Pearl, Dist 17

COMMITTEE:

Energy and Natural Resources

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CHAPTER 101
SB 162 - FINAL VERSION

23-0808
08/05

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13 direct physical control of an adult owner at all times. In addition, when the animal is outdoors, it
14 shall be muzzled in a manner approved by the local rabies control authority. [~~The exemption shall~~
15 ~~be valid for no more than one year from the date of the last signature on the written~~
16 ~~recommendation for exemption.~~]

101:2 Effective Date. This act shall take effect July 1, 2023.

Approved: June 20, 2023
Effective Date: July 01, 2023

Committee Minutes

SENATE CALENDAR NOTICE

Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Howard Pearl, Vice Chair
Sen Regina Birdsell, Member
Sen David Watters, Member
Sen Debra Altschiller, Member

Date: February 9, 2023

HEARINGS

| Wednesday | 02/15/2023 | |
|------------------------------|-----------------|-----------|
| (Day) | (Date) | |
| Energy and Natural Resources | State House 103 | 1:00 p.m. |
| (Name of Committee) | (Place) | (Time) |

1:00 p.m. **SB 267-FN** relative to rulemaking for advanced recycling facilities.

(THE PREVIOUS HEARING FOR SB 267-FN WAS RECESSED ON FEBRUARY 7TH)

1:15 p.m. **SB 159-FN-LOCAL** relative to permits for the siting of new landfills.

1:30 p.m. **SB 165** relative to the online energy data platform.

1:45 p.m. **SB 162** relative to exemptions from rabies vaccinations for dogs, cats, and ferrets.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 267-FN

Sen. Altschiller
Rep. N. Murphy

Sen. Watters
Rep. M. Paige

Rep. McWilliams

Rep. Caplan

SB 159-FN-LOCAL

Sen. Fenton
Rep. Read

Sen. Altschiller
Rep. Bouldin

Sen. Watters
Rep. Fedolfi

Rep. N. Murphy

SB 165

Sen. Perkins Kwoka

Rep. Cormen

Rep. McWilliams

SB 162

Sen. Pearl

Nikolas Liamos 271-7875

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Nikolas Lamos 271-7875

SB 162, relative to exemptions from rabies vaccinations for dogs, cats, and ferrets.

Hearing Date: February 15, 2023

Time Opened: 1:56 p.m.

Time Closed: 2:20 p.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill makes the initial period for an exemption from the rabies vaccination for dogs, cats, and animals annual with the recertification of a veterinarian.

Sponsors:

Sen. Pearl

Who supports the bill: Senator Howard Pearl (SD 17), Jane Barlow Roy, Curtis Howland, Maureen Hardy, Diane Richardson, Jesse Medeiros, and Bill Alleman

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented:

Senator Howard Pearl

Senate District 17

- Senator Howard Pearl introduced Senate Bill 162.
- Senator Pearl stated that he was asked to sponsor SB 162 by a constituent.
 - Senator Pearl noted the constituent approached him about this bill due to the constituent's dogs being unable to receive the rabies vaccine.
- Senator Pearl stated that SB 162 seeks to streamline the rabies exemption process.
 - Senator Pearl noted that a pet could be exempt from the rabies vaccine if a medical condition prohibits the animal from receiving the vaccine.
- Senator Pearl stated that the current process requires several steps for exemption certification.
 - Senator Pearl noted that SB 162 leaves the current process for the first year, but if additional years are needed for an exemption, the veterinarian who sees the

animal on a regular basis can renew the exemption rather than putting the animal's owner through additional and unnecessary hurdles of having to obtain the three signatures every year.

- Senator Pearl stated that he worked with Commissioner Jasper and Dr. Crawford from the Agriculture Department to craft the language of SB 162.
- Senator Watters asked if Senator Pearl had a chance to review the testimony submitted by Valarie Frazier.
 - Senator Pearl replied that he had not had a chance to review this submitted testimony.
- Senator Altschiller asked what might exempt an animal from the rabies vaccine.
 - Senator Pearl replied that if an animal is ill, or cannot be vaccinated due to a medical condition, or if the animal is receiving chemotherapy.
 - Senator Pearl noted that Dr. Barlow would be able to speak to more situations where an animal may be exempt in her testimony.
- Senator Altschiller asked if the exemption process is annual.
 - Senator Pearl confirmed that the exemption process is annual, but the current process requires for 3 signatures while the new proposed annual process would only require the animal's veterinarian's signature.

Dr. Jane Barlow Roy

- Dr. Jane Barlow Roy stated that the current process is lengthy and confusing.
- Dr. Barlow Roy stated that the main reason for exemption is when an animal has a medical condition that prohibits the vaccine.
 - Dr. Barlow Roy noted that the second cause for exemption is when an animal experiences anaphylaxis, which is when an outside substance is introduced, and it causes the animal to almost die or die.
- Dr. Barlow Roy stated that the current process requires you to have an examination by a board certified veterinary medical internist which can be a months long wait, then another physical examination has to be performed by another veterinarian, then a certification by the state's veterinarian, then the certification must be delivered to a town clerk.
- Dr. Barlow Roy noted that autoimmune diseases exempt animals from the vaccine as well.
 - Dr. Barlow Roy noted that these diseases do not magically disappear in a year so it does not make sense to go through this process every year.
- Dr. Barlow Roy used the example of an animal who was receiving chemotherapy for one year but then is declared cancer free the next year.
 - Dr. Barlow Roy stated that if the dog is no longer receiving chemo, then the dog would no longer be exempt.
- Dr. Barlow Roy stated that SB 162 still requires an animal to be examined every year by a veterinarian to receive the exemption status.
- Senator Watters stated that testimony submitted, posed the question of why is the rabies titer test not just submitted to the state veterinarian.
 - Dr. Barlow Roy responded that she is confused by the question since the state of New Hampshire does not conduct rabies titer tests.

NPL
Date Hearing Report completed: February 21, 2023

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill SB162 on 2023-02

Support: 5 Oppose: 0

| <u>Name</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> |
|-------------------|------------------------|---------------------|-----------------|
| Howland, Curtis | A Member of the Public | Myself | Support |
| Hardy, Maureen | A Member of the Public | Myself | Support |
| Richardson, Diane | A Member of the Public | Myself | Support |
| Medeiros, Jesse | A Member of the Public | Myself | Support |
| Alleman, Bill | A Member of the Public | Myself | Support |

Testimony

Nikolas Liamos

From: Tricia Melillo
Sent: Monday, February 13, 2023 2:31 PM
To: Nikolas Liamos
Subject: FW: SB162

From: Valerie Fraser <valeriefrafern@gmail.com>
Sent: Monday, February 13, 2023 12:08 PM
To: David Watters <David.Watters@leg.state.nh.us>; Kevin Avard <Kevin.Avard@leg.state.nh.us>; Regina Birdsell <Regina.Birdsell@leg.state.nh.us>; Debra Altschiller <Debra.Altshiller@leg.state.nh.us>; Howard Pearl <Howard.Pearl@leg.state.nh.us>
Subject: SB162

Caution! This message was sent from outside your organization.

Dear Energy and Natural Resources committee:

My name is Dr Valerie Fraser. I am a former 2 term State Rep for Belknap District 1 and am also a licensed veterinarian in NH and Florida. I propose an amendment to HB 162. I propose that only the examining veterinarian need sign for an exemption to rabies booster vaccines. A few years ago, I spoke personally with Ronald Schultz, PhD, professor emeritus at the University of Wisconsin-Madison School of Veterinary Medicine, on a phone call regarding rabies vaccines. In 1982, for his work in veterinary virology and immunology, Dr. Schultz became the founding chair of the Department of Pathobiological Sciences at Wisconsin's veterinary school, a position he held until his retirement in 2016. To paraphrase my understanding, he stated that his ongoing group of dogs vaccinated once for rabies were now on their ninth year post rabies vaccine and showed positive rabies titer tests which I believe means immunity when challenged. Therefore I feel confident that a licensed veterinarian who believes that a dog should be exempt from additional vaccines for health reasons, should not have to acquire another 2 signatures for that exemption. A very simple blood test that can be done annually to secure ongoing immunity to rabies, is a titer test which can then support an annual exemption for a dog or cat or horse, who needs an exemption for health reasons. I feel it is common sense and eliminates the bureaucratic hurdle of additional signatures that are not necessary.

At the time of the proposed exemption , in support of his decision, the examining veterinarian shall send a copy of the rabies titer test to the state veterinarian.

The recommendation shall also be signed by an American College of Veterinary Internal Medicine diplomate and the state veterinarian.

Please vote in support of this amendment.

Sincerely,

The Hon Dr Valerie Allred Fraser DVM, RN
Hill, NH

Nikolas Lamos

From: President, D.O.G.S. <president@nhdogs.org>
Sent: Wednesday, February 15, 2023 2:36 PM
To: Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Lamos
Subject: DOGS Position on SB162

Follow Up Flag: Follow up
Flag Status: Flagged

Caution! This message was sent from outside your organization.

Chairman Avard and Members of the Senate Energy and Natural Resources 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 thoughts on SB 162, *An act relative to exemptions from rabies vaccinations for dogs, cats, and ferrets*. On behalf of our membership of responsible local pet owners and breeders, D.O.G.S. would like to make suggestions on amending this bill; respectfully.

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 estock guardian dog owners.

It should be clear that the exemption is for the original medical condition and not a "carte blanche" exemption. Should the original medical condition cease, a new exemption should be issued and require review/approval by the State Vet as standard for initial exemption.

Our suggested amendment is as follows:

"The exemption shall be valid for one year. After the initial one year has expired and if the animal still qualifies for the exemption for the original medical condition, the such exemption shall be re-certified by a veterinarian licensed under RSA 332-B on an annual basis. The exempted animal shall be maintained in....."

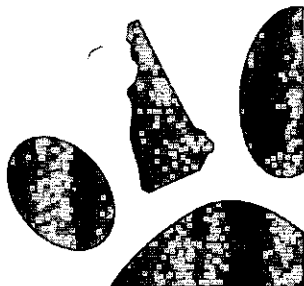
It is also important that the exemption be filed by the veterinarian with the Department of Agriculture, Markets and Food in order to ensure the Department's records are up-to-date and include owner address and the annual exam info.

Again, thank you for your consideration of SB 162. We hope that you will make the recommended changes above if this bill moves forward.

--
Sincerely,
Angela

Angela Ferrari
angela@nhdogs.org

President, Dog Owners of the Granite State (D.O.G.S.)
President, Pilgrim Doberman Pinscher Club
Doberman Pinscher Club of America Supporting Member, Legislative Task Force Member, and Generation Forward Member
Souhegan Kennel Club Director
National Beagle Club Supporting Member
AKC Breeder of Merit



Voting Sheets

Senate Energy and Natural Resources Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill# 50 162

Hearing date: 2/15/23

Executive Session date: 2/15/23

Motion of: OTP Vote: 5-0

| Committee Member | Present | Made by | Second | Yes | No |
|------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|----|
| Sen. Avard, Chair | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | |
| Sen. Pearl, Vice Chair | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | |
| Sen. Birdsell | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Sen. Watters | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | |
| Sen. Altschiller | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | |

Motion of: Consent Vote: 5-0

| Committee Member | Present | Made by | Second | Yes | No |
|------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|----|
| Sen. Avard, Chair | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | |
| Sen. Pearl, Vice Chair | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | |
| Sen. Birdsell | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Sen. Watters | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | |
| Sen. Altschiller | <input checked="" type="checkbox"/> | | | <input checked="" type="checkbox"/> | |

Motion of: _____ Vote: _____

| Committee Member | Present | Made by | Second | Yes | No |
|------------------------|--------------------------|---------|--------|--------------------------|--------------------------|
| Sen. Avard, Chair | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Pearl, Vice Chair | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Birdsell | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Watters | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Altschiller | <input type="checkbox"/> | | | <input type="checkbox"/> | <input type="checkbox"/> |

Reported out by: Pearl

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, February 16, 2023

THE COMMITTEE ON Energy and Natural Resources

to which was referred **SB 162**

AN ACT relative to exemptions from rabies vaccinations for
dogs, cats, and ferrets.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Howard Pearl
For the Committee

Senate Bill 162 makes the initial period for an exemption from the rabies vaccination for dogs, cats, and animals annual with the recertification of a veterinarian. Immunization exemptions may be issued, where illness or a veterinary medical condition warrant, by the local rabies control authority upon the written recommendation of a veterinarian licensed under RSA 322-B, additionally the recommendation shall also be signed by an American College of Veterinary Internal Medicine diplomate and the state veterinarian. The exemption shall be valid for one year. After the initial year has expired and if the animal still qualifies for the exemption, the exemption shall be re certified by a veterinarian licensed under RSA 332-B on an annual basis.

Nikolas Lamos 271-7875

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

SB 162, relative to exemptions from rabies vaccinations for dogs, cats, and ferrets.

Ought to Pass, Vote 5-0.

Senator Howard Pearl for the committee.

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| Docket of SB162 | | |
|-----------------|---|----------------------------------------------------------------------------------|
| 01/20/2023 | S | Introduced 01/19/2023 and Referred to Energy and Natural Resources; SJ 5 |
| 02/09/2023 | S | Hearing: 02/15/2023, Room 103, SH, 01:45 pm; SC 10 |
| 02/16/2023 | S | Committee Report: Ought to Pass, 02/22/2023; Vote 5-0; CC; SC 11 |
| 02/22/2023 | S | Ought to Pass: MA, VV; OT3rdg; 02/22/2023; SJ 8 |
| 03/20/2023 | H | Introduced (in recess of) 03/16/2023 and referred to Environment and Agriculture |
| 04/04/2023 | H | Public Hearing: 04/25/2023 09:00 am LOB 301-303 |
| 05/02/2023 | H | Full Committee Work Session: 05/09/2023 09:30 am LOB 301-303 |
| 05/02/2023 | H | Executive Session: 05/09/2023 01:00 pm LOB 301-303 |
| 05/11/2023 | H | Committee Report: Ought to Pass 05/09/2023 (Vote 18-1; CC) |
| 05/18/2023 | H | Ought to Pass: MA VV 05/18/2023 HJ 14 P. 3 |
| 06/13/2023 | H | Enrolled (in recess of) 06/08/2023 HJ 15 |
| 06/13/2023 | S | Enrolled Adopted, VV, (In recess 06/08/2023); SJ 19 |
| 06/21/2023 | S | Signed by the Governor on 06/20/2023; Chapter 0101; Effective 07/01/2023 |

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 162

Senate Committee: EMR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:


Committee Aide

8/2/23
Date

Senate Clerk's Office 