

Senate Energy and Natural Resources Committee

Griffin Roberge 271-3042

HB 250, relative to pet vendors.

Hearing Date: April 19, 2021.

Time Opened: 1:40 p.m.

Time Closed: 2:07 p.m.

Members of the Committee Present: Senators Avard, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: Senator Giuda.

Bill Analysis: This bill sets the limit of dogs, cats, and ferrets that may be transferred without a pet vendor license. This bill also creates an exemption from the requirement to obtain a pet vendor license for certain breeders of dogs and cats.

Sponsors:

Rep. Pearl

Rep. Abramson

Rep. Lang

Rep. Kennedy

Rep. G. Griffin

Rep. Moffett

Who supports the bill: Representative Peter Bixby, Strafford - District 17; Barb Burri; Kate Champney; Christine Cote; Gail Damasi; Karen Dewey; Cynthia Eliason; Joan Eversole; Angela Ferrari, Dog Owners of the Granite State; Marla Fields; Nancy Holmes, New Boston, NH; Holly Lewis; Ara Lynn; Marlene Moore; Lana Nickerson; Stacey Ober, American Kennel Club; Gail Paludi; Representative Howard Pearl, Merrimack - District 26; Diane Richardson, Springfield, NH; Kalla Robb; Michael Robb; Patty Robb; Erick Sawtelle, Lee, NH; Raymond Schwartz; Sheryl Skidmore; Emily St. Hilaire; Susan Willumsen; Ellen Yenawine; Joseph Zalewski.

Who opposes the bill: Gina Scrofano, Salem, NH.

Who is neutral on the bill: Kurt Ehrenburg, Humane Society of the United States.

Summary of testimony presented in support:

Representative Howard Pearl
Merrimack – District 26

- HB 4-FN-A-LOCAL (2019) made changes to the definition of pet vendor under RSA 437:1, IV. This change defined a pet vendor as any person, firm corporation, or other entity that transfers 25 or more dogs, 25 or more cats, 30 or more ferrets, or 50 or more birds between July 1 and June 30 of each year. HB 4-FN-LOCAL's changes affected many hobby breeders that had never been deemed a pet vendor before and were subject to additional regulations. HB 250 seeks to address some of these problems.
- Section 1 changes the transfer thresholds under the pet vendor definition, raising the transfer limit for dogs from 25 to 30 and for cats from 25 to 35. The registration period for pet vendors is changed to between January 1 and December 31 of each year. This change in the registration period was made at the request of the NH Department of Agriculture, Markets, and Food (DAMF).
- Section 2 creates an exemption process for those who had never previously been a pet vendor. Some hobby breeders may have a litter of dogs that unintentionally brings them over the transfer threshold. These

breeders may not be able to meet the requirements of being a pet vendor right away. These changes were made with input from DAMF.

- Section 2 allows a person who has not previously met the requirements for licensure as a pet vendor but who intends to transfer more than 30 dogs or 35 cats in a year to apply to the DAMF Commissioner for an exemption from licensure as a pet vendor as long as that person meets several criteria:
 - The person has transferred fewer than 30 dogs or 35 cats annually in the previous four years.
 - The person has not been required to register as a pet vendor in the previous four years.
- Section 2 requires the DAMF Commissioner to make a determination on an exemption within 15 days of its submission. Any person exempt from licensure as a pet vendor may transfer no more than 15 dogs or 15 cats in addition to the 30 dog or 35 cat limits.
- Section 3 makes clarifications of the zoning requirements for a pet vendor. Under HB 4-FN-A-LOCAL, the NH General Court made it clear it did not want new pet vendors to have to get permission from municipal zoning officials to operate as some new pet vendors have very small operations. Since HB 4-FN-A-LOCAL's passage, some municipal officials still required site/planning reviews of pet vendors. Section 3 clarifies that when a pet vendor applies for a license from the DAMF, a pet vendor that transfers more than 50 or more dogs, 50 or more cats, 50 or more ferrets, or 50 or more birds shall include proof on his or her application that the zoning enforcement official of the municipality where the facility is to be maintained has certified that the facility confirms to the municipal zoning regulations.
- HB 250 seeks to bring animal interest groups together and find common ground. Representative Pearl said he has been working closely with Senator Jeb Bradley on HB 250. Those discussions may conclude that the 35 cat transfer limit in Section 1 should be reduced to 30 cats, but the discussions are ongoing.
- Senator Watters wanted to clarify whether HB 250 was good to go or whether the committee should consult with Senator Bradley on the cat transfer limit under Section 1.
 - Representative Pearl said it was his understanding that Senator Bradley would like to see the cat transfer limit reduced from 35 to 30. Representative Pearl said he would not oppose such a change.
- Senator Watters wondered whether the DAMF should undertake administrative rulemaking as HB 250 gives the DAMF Commissioner the ability to exempt people from being a pet vendor.
 - Representative Pearl said it was his understanding that DAMF Commissioner Shawn Jasper was comfortable with HB 250's language and no further clarifications were needed in the exemption process.

Stacey Ober – provided written testimony

Legislative Analyst and Community Outreach Coordinator, American Kennel Club

- HB 250 is a reintroduction of HB 1630-FN (2020). The House Environment and Agriculture Committee recommended HB 1630-FN “ought to pass with amendment” by a vote of 19-1. The bill was placed on the House consent calendar. The full House adopted the committee's recommendation on a voice vote. However, HB 1630-FN was tabled in the Senate due to the COVID-19 pandemic and the suspension of legislative activity.
- HB 250 is necessary to ensure that NH's breeders who were not previously required to obtain a pet vendor license can continue to own and enjoy their dogs without needing to petition local authorities to grant a municipal permit required by the state pet vendor license application. This license application process has resulted in the violation of due process for responsible dog breeders who have been unable – after the transfer limits in 2019 were cut in half – to obtain a municipal permit and therefore comply with the state application requirements.
- Senator Avard asked if the American Kennel Club had any concerns with changing the transfer limit for cats from 35 to 30.
 - Ms. Ober said the American Kennel Club did not represent cat owners. However, a litter of puppies can produce anywhere from 1 to 12 puppies. Some breeders could very quickly go over the 25 dog transfer limit.

Angela Ferrari

Dog Owners of the Granite State

- HB 4-FN-A-LOCAL's changes to the pet vendor definition were significant. Three litters in one year can easily put someone into the pet vendor category, unleashing a significant escalation in regulation. HB 250's slight increase in the transfer limit in Section 1 can ease up the tight restrictions.
- Section 2 gives the DAMF Commissioner the ability to grant an exemption for someone who may have an extra litter in a year. This review provides a level of oversight. That person must also meet certain criteria before an exemption is offered.

- Section 3 amends the municipal zoning requirements for pet vendors and will help small breeders. Many, if not all, of the Dog Owners of the Granite State members raise their dogs in their homes – this environment helps socialize dogs and makes them better to pair with families. Many could not get their zoning requests approved by their town because the term 'pet vendor' gave the impression that a small breeder was becoming a commercial entity.

Representative Peter Bixby

Strafford – District 16

- HB 250 is a minor change to assist hobby breeders who may inadvertently go over the transfer threshold established in RSA 437:1, IV.
- Making significant changes to NH's animal welfare laws should be done when there is more data to reinforce the need for those changes. That data will be available when DAMF establishes an animal records database via HB 2-FN-A-LOCAL (2021).

Summary of testimony presented in opposition:

Gina Scrofano

Salem, NH

- The pet vendor definition before HB 4-FN-A-LOCAL only led to 5-8 entities being licensed out of the thousands of entities operating in NH. The definition was unworkable and failed to provide adequate oversight, leading to six notable animal cruelty cases involving unlicensed breeders over the course of two and a half years. These cases impacted nearly 300 animals, spread zoonotic diseases, and cost NH taxpayers some \$3.5 million in cost of care expenses through donations or general funds.
- NH's current transfer threshold of 25 dogs per year barely puts NH in line with other states. Increasing the transfer threshold under the pet vendor definition increases the potential for abusive breeders to operate in NH.
- The exemption language in Section 2 creates a loophole. Recommended language be inserted in Section 2 that clearly states that the exempted year shall not be included in the required four previous years that the person was not required to have a pet vendor license. Additionally, Section 2 should make clear that no person shall receive an exemption for two or more consecutive years.
- HB 250 could potentially grant an exemption to pet vendors who have not been inspected for years. DAMF would have no way to inspect the living conditions of animals or to ensure that pet vendors are complying with regulations before granting the exemption. Section 2 should include a requirement for an inspection within the past twelve months before an exemption is granted.
- While not objecting to Section 3, the notion that pet vendor licensure imposes a hardship on breeders due to inspections of private homes and that regulations are burdensome is unjustifiable.

Neutral Information Presented:

Kurt Ehrenburg

NH State Director, Humane Society of the United States

- The Humane Society of the United States was initially opposed to HB 250. However, the Humane Society of the United States is neutral on the bill as the different parties continue to find a compromise.
- HB 4-FN-A-LOCAL's changes were the result of a series of animal cruelty cases that arose in NH. Those changes have been in place for less than a year. The Humane Society of the United States believes the transfer limits created under HB 4-FN-A-LOCAL were correct.

GJR

Date Hearing Report completed: April 19, 2021.