

Notice Number 2024-51

Rule Number Agr 2800

1. Agency Name & Address:

**Dept. of Agriculture, Markets & Food
Division of Animal Industry
State House Annex
25 Capitol Street
Concord, NH 03301**

2. RSA Authority: RSA 437-A:5

3. Federal Authority: N/A

4. Type of Action:

Adoption _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Animal Population Control**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

These rules, Agr 2800, implement the forms and procedures of the Department of Agriculture, Markets and Food (Department) pursuant to RSA 437-A, the animal population control program. The purpose of the program is to encourage permanent sexual sterilization of dogs and cats to reduce the population of unwanted companion animals and protect public health and safety. These rules are set to expire 4-19-2024, but will be extended pursuant to RSA 541-A:14-a.

Veterinary participation in the program has dropped dramatically in the past few years. The proposed amendments are intended to incentivize participation. Rabies vaccines have been reimbursed at \$15 for many years. The proposed amendments to Agr 2803.01(e)(7), Agr 2803.02(h)(1)e, and Agr 2803.03(d)(8) would raise the reimbursement to \$25 per vaccine.

The proposed amendments to Agr 2803.01(e)(5), Agr 2803.03(d)(6), and Agr 2803.03(d)(7) would raise the reimbursement rate from 80% of surgical fees to 100%. This is set in statute, RSA 437-A:4, II (a). At the Department's request, and with the agreement of the House E&A Chair, the Senate has agreed to propose an amendment to HB 1626 when it reaches there. Specifically, the amendment would change the reimbursement rate in statute from 80% to 100%. Should that amendment fail, the proposed amendment to Agr 2800 would be struck during the rulemaking process, leaving the reimbursement in alignment with statute.

6. (b) Brief description of the groups affected:

The rule clarifies program participation for animal owners. The rule also clarifies participation and reimbursement processes for veterinarians and increases reimbursement.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State Statute
Agr 2801.01	RSA 437-A:2; RSA 437-A:3
Agr 2801.02	RSA 437-A:3
Agr 2801.03	RSA 437-A:1, RSA 541-A:7
Agr 2802	RSA 437-A:3
Agr 2803	RSA 437-A:4
Agr 2804	RSA 437-A:4-a
Agr 2805	RSA 437-A:6

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Stephen K. Crawford, DVM** Title: **State veterinarian**
 Mailing Address: **Dept. of Agriculture, Markets & Food** Phone #: **603-271-2404**
Division of Animal Industry Fax#: **603-271-1109**
State House Annex E-mail: **stephen.k.crawford@agr.nh.gov**
25 Capitol Street, Room 220
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964
 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May 10, 2024, 4pm**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, April 26, 2024; 9am**
 Physical Location: **1 Granite Place South, Suite 211, Concord, NH 03301**
 Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 24:047, dated 3/20/2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules will increase State restricted expenditures and increase revenue to certain State citizens and independently owned businesses.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rules increase reimbursements from the animal population control program to veterinarians for rabies vaccines from \$15 to \$25 and reimbursement of surgical fees from 80% to 100%. When compare the estimated annual increase is approximately \$117,000 as follows:

Comparison based on 2,024 procedures	Proposed Rules	Existing Rules
Surgical Reimbursement (Proposed 100%, existing 80%)	\$484,464	\$386,771
Examination reimbursement \$50*	\$121,440	\$121,440
Rabies vaccination reimbursement (Proposed \$25, existing \$15)	\$50,600	\$30,360
Copay reduction (No change)	(\$50,600)	(\$50,600)
Total Reimbursements:	\$604,904	\$487,971
Difference:		\$116,933

* The exam rate is not directly determined by rule and \$60 is typical/average.

A. To State general or State special funds:

There is no cost or benefit to the State general fund. Annual expenditures from the animal population control fund will increase by the difference amount estimated in #3 above.

B. To State citizens and political subdivisions:

State citizens who are veterinarians participating in the animal population control program will receive increased reimbursements estimated in #3 above. There is no cost or benefit to political subdivisions.

C. To independently owned businesses:

Independently owned veterinary businesses participating in the animal population control program will receive increased reimbursements estimated in #3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the NH Constitution. The rules neither mandate nor assign any responsibility or cost to any political subdivision.