

Amendment to SB 127-FN-A-LOCAL

1 Amend Part II of the bill by replacing it with the following:

3 PART II

4 Establishing an animal records database.

5 1 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the  
6 following new sections:

7 437:8-a Animal Records Database Established.

8 I. The department of agriculture, markets, and food shall design, establish, and contract  
9 with a third party for the implementation and operation of an electronic system to facilitate the  
10 handling of animal records.

11 II. The department shall maintain a reporting system capable of receiving electronically  
12 transmitted records from veterinarians. The commissioner shall adopt rules under RSA 541-A to  
13 govern methods of obtaining, compiling, and maintaining such information he or she deems  
14 necessary to manage such database including procedures for providing authorized access. The  
15 commissioner shall also ensure that the database is secure from unauthorized access or use.

16 III. The commissioner may issue a waiver to a veterinarian who is unable to submit  
17 information by electronic means. Such waiver may permit the veterinarian to submit information by  
18 paper form or other means, provided all information required by RSA 437:8 is submitted in this  
19 alternative format and within the established time limit.

20 IV. The commissioner may grant a reasonable extension to a veterinarian who is unable, for  
21 good cause, to submit all the information required by RSA 437:8 within the established time limits.  
22 Any veterinarian who in good faith reports to the program as required by RSA 437:8 shall be  
23 immune from any civil or criminal liability as the result of such good faith reporting.

24 V. There is established a nonlapsing fund to be known as the animal records database fund  
25 in the department of agriculture, markets, and food which shall be kept distinct and separate from  
26 all other funds. All moneys in the animal records database fund shall be nonlapsing and continually  
27 appropriated to the commissioner, and except as otherwise provided in law, shall be used for the  
28 purpose of administering and maintaining the animal records database established in this section.  
29 The database fund shall draw moneys only from grants and appropriations.

30 VI. Notwithstanding paragraph V, the fund shall be initiated by transfers from the  
31 agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA

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1 435:20, V, and the integrated pest management fund established under RSA 430:50, as provided in  
2 RSA 430:50, IV.

3 437:8-b Confidentiality.

4 I. Information submitted to the animal records database is exempt from public disclosure,  
5 and shall not be subject to discovery, subpoena, or other means of legal compulsion for release.  
6 Disclosure to local, state, and federal officials is not public disclosure. This exemption shall not  
7 affect the disclosure of information used in official local, state, or federal animal health  
8 investigations or pet vendor license investigations under this chapter. Database records,  
9 information, or lists may be made available pursuant to a court order on a case-by-case basis. Any  
10 information, record, or list received pursuant to this paragraph shall not be transferred or otherwise  
11 made available to any other person or listed entity not authorized under this paragraph.

12 II. The department shall establish and maintain procedures to ensure the privacy and  
13 confidentiality of animal and animal owner information.

14 III. The department may use and release information and reports from the program for  
15 program analysis and evaluation, statistical analysis, public research, public policy, and educational  
16 purposes, provided that the data are aggregated or otherwise de-identified.

17 IV. No animal records database records, information, or lists shall be sold, rented,  
18 transferred, or otherwise made available in whole or in part, in any form or format, directly or  
19 indirectly, to another person.

20 V. Certificates of transfer shall be removed from the animal records database after 4 years.

21 VI. Any person who knowingly accesses, alters, destroys, publishes, or discloses animal  
22 records database information except as authorized in this section or attempts to obtain such  
23 information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony.

24 2 Certificates of Transfer for Dogs and Cats. RSA 437:8 is repealed and reenacted to read as  
25 follows:

26 437:8 Certificates of Transfer for Dogs, Cats, and Ferrets.

27 I. For purposes of this chapter, an official certificate of transfer means an electronic record  
28 electronically submitted to the animal records database by a licensed veterinarian, containing the  
29 name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender,  
30 breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or  
31 ferret, and the certification by the veterinarian that the dog, cat, or ferret is free from evidence of  
32 communicable diseases or internal or external parasites. A list of all vaccines and medication  
33 administered to the dog, cat, or ferret shall be included in the certificate.

34 II. The electronically submitted certificate of transfer shall be considered the official  
35 certificate of transfer. A copy of the certificate of transfer of the dog, cat, or ferret offered for  
36 transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and  
37 made available for inspection by the department, or local officials for up to one year after the animal

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1 has left the facility. The public shall be informed of their right to inspect a copy of the certificate of  
2 transfer for each dog, cat, or ferret offered for transfer by a sign prominently displayed in the area  
3 where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, a copy of that  
4 animal's certificate of transfer shall be given to the transferee in addition to any other documents  
5 which are customarily delivered to the transferee.

6 III. For purposes of this chapter, an official certificate of transfer waiver means an electronic  
7 record electronically submitted to the animal records database provided in lieu of an official  
8 certificate of transfer for a dog, cat, or ferret that has failed the examination for an official certificate  
9 of transfer because of a non-contagious illness, feline leukemia, or feline immunodeficiency virus.  
10 The waiver shall contain the name and address of the entity transferring ownership of the dog, cat,  
11 or ferret; the age, gender, breed, microchip number, tattoo number, ear tag number, or physical  
12 description of the dog, cat, or ferret; the reason for failure of the examination for the official  
13 certificate of transfer; and the signature of the transferee indicating that the transferee has  
14 knowledge of the dog's, cat's, or ferret's non-contagious medical condition. A list of all vaccines and  
15 medication administered to the dog, cat, or ferret shall be included in the certificate of transfer  
16 waiver. The waiver shall be submitted electronically to the animal records database by a New  
17 Hampshire licensed veterinarian.

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

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

25 VI. No animal shelter shall transfer any dog, cat or ferret that is received from outside of the  
26 state without an official transfer certificate and until the quarantine requirements in 437:8, IV have  
27 been met. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the other  
28 requirements of this section relative to transferring dogs, cats, and ferrets except that:

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

32 (b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos,  
33 ear tags, or other permanent forms of positive identification and shall scan for a microchip upon  
34 admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to  
35 transferring ownership of an unclaimed or abandoned animal.

36 VII. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
37 without first being protected against infectious diseases using vaccines approved by the state

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1 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
2 unless accompanied by a copy of the official certificate of transfer or official certificate of transfer  
3 waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the  
4 transferred animal is accompanied by a copy of the official certificate of transfer or official certificate  
5 of transfer waiver. The official certificate of transfer or official certificate of transfer waiver shall  
6 reside in the animal records database. Copies shall be provided to the veterinarian, transferor, and  
7 the transferee, who shall retain copies for their records. The transferor shall retain a copy for his or  
8 her records. If an official certificate of transfer or official certificate of transfer waiver is produced, it  
9 shall be prima facie evidence of transfer.

10 3 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after  
11 subparagraph (364) the following new subparagraph:

12 (365) Moneys deposited in the animal records database fund established in RSA  
13 437:8-a, V.

14 4 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend  
15 RSA 435:20 by inserting after paragraph IV the following new paragraph:

16 V. The commissioner shall transfer funds from the agricultural product and scale testing  
17 fund established under RSA 435:20, IV to the animal records database fund established in RSA  
18 437:8-a to develop and make operational the animal records database. The commissioner shall  
19 certify to the secretary of state and the director of the office of legislative services the date on which  
20 the animal records database is operational. For 2 years after such certification, if needed for  
21 database operation and maintenance, the commissioner may continue to transfer additional funds  
22 from the agricultural product and scale testing fund to the animal records database fund for this  
23 purpose.

24 5 New Paragraph; Integrated Pest Management Fund; Transfer Authority. Amend RSA 430:50  
25 by inserting after paragraph III the following new paragraph:

26 IV. The commissioner shall transfer funds from the integrated pest management fund  
27 established in this section to the animal records database fund established in RSA 437:8-a to develop  
28 and make operational the animal records database. The commissioner shall certify to the secretary  
29 of state and the director of the office of legislative services the date on which the animal records  
30 database is operational. For 2 years after such certification, if needed for database operation and  
31 maintenance, the commissioner may continue to transfer additional funds from the integrated pest  
32 management fund to the animal records database fund for this purpose.

33 6 Repeals. The following are repealed:

34 I. RSA 430:50, IV, relative to the authority of the commissioner of the department of  
35 agriculture, markets, and food to transfer funds from the integrated pest management fund.

36 II. RSA 435:20, V, relative to the authority of the commissioner of the department of  
37 agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund.

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7 Health Certificates; Renamed Transfer Certificates. Amend RSA 437:8 to read as follows:  
437:8 [~~Health~~] **Transfer** Certificates for Dogs, Cats, and Ferrets.

I. For purposes of this chapter, an official~~[health]~~ **transfer** 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]~~ **transfer** 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]~~ **transfer** 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]~~ **transfer** 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]~~ **transfer** 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.

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.

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.

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

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1 admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to  
2 transferring ownership of an unclaimed or abandoned animal.

3 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
4 without first being protected against infectious diseases using a vaccine approved by the state  
5 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
6 unless accompanied by an official ~~[health]~~ **transfer** certificate issued by a licensed veterinarian. No  
7 transfer shall occur unless the transferred animal is accompanied by a ~~[health]~~ **transfer** certificate  
8 issued within the prior 14 days. The certificate shall be in triplicate, one copy of which shall be  
9 retained by the signing veterinarian, one copy of which shall be for the licensee's records, and one  
10 copy of which shall be given to the transferee upon transfer as provided in paragraph III. If an  
11 official ~~[health]~~ **transfer** certificate is produced, it shall be prima facie evidence of transfer. The  
12 signing veterinarian shall provide a copy of the ~~[health]~~ **transfer** certificate to the department of  
13 agriculture, markets, and food upon request.

14 8 Applicability; Effective Dates.

15 I. Section 2 of this act shall take effect when the commissioner of the department of  
16 agriculture, markets, and food certifies to the secretary of state and the director of the office of  
17 legislative services that the animal records database established in RSA 437:8-a is operational.

18 II. Section 6 of this act shall take effect 2 years from the date on which the commissioner of  
19 the department of agriculture, markets, and food certifies to the secretary of state and the director of  
20 the office of legislative services, that the animal records database established in RSA 437:8-a is  
21 operational.

22 9 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2023 is hereby  
23 appropriated to the department of agriculture, markets, and food for the maintenance of the animal  
24 records database. These appropriations are in addition to any other funds appropriated to the  
25 department of agriculture, markets, and food. The governor is authorized to draw a warrant for said  
26 sums out of any money in the treasury not otherwise appropriated.

27 10 Position Established. The classified position of IT Manager III is established in the  
28 department of information technology to develop and administer the animal records database  
29 established in RSA 437:8-a.

30 11 Effective Date.

31 I. Section 2 of this act shall take effect as provided in paragraph I of section 8 of this act.

32 II. Section 6 of this act shall take effect as provided in paragraph II of section 8 of this act.

33 III. The remainder of this act shall take effect upon its passage.