

CHAPTER 38
HB 328-FN – FINAL VERSION

20Feb2013... 0229h

2013 SESSION

13-0353
08/10

HOUSE BILL **328-FN**

AN ACT relative to the sale of pets.

SPONSORS: Rep. O'Connor, Rock 6; Rep. Sad, Ches 1

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill:

- I. Requires all dogs, cats, birds, and ferrets to be accompanied by a health certificate within 14 days of transfer.
- II. Repeals a provision relative to breeder's health certificates for dogs.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 38
HB 328-FN – FINAL VERSION

20Feb2013... 0229h

13-0353
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the sale of pets.

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

1 38:1 Definitions. Amend the introductory paragraph of RSA 437:2 to read as follows:

2 437:2 Definitions. In this ~~[subdivision]~~ **chapter**:

3 38:2 Transfer of Animals; License. Amend RSA 437:3 to read as follows:

4 437:3 Licenses. ~~[Applications for]~~ Licenses shall be **valid each year from July 1 to the**
5 **following June 30. Application for licenses shall be** made annually in writing to the
6 department accompanied by a ~~[license]~~ fee of \$200. After January 1, the ~~[license]~~ fee shall be \$100.
7 **Annual license renewal fee shall be \$200. A license shall be issued** if after inspection the
8 department finds that the premises and cages and facilities thereon meet the proper standards for
9 health and sanitation and that their use will not result in inhumane treatment of said animals or
10 birds, and proof is provided with the application that the zoning enforcement official of the
11 municipality wherein such facility is to be maintained has certified that the facility conforms to the
12 municipal zoning regulations~~[- a license shall be issued. Licenses shall expire on June 30 following~~
13 ~~issue, and may be renewed on application to the department accompanied by a renewal fee of \$200].~~
14 Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the
15 premises covered by them, and shall be adjacent to animal display cages. Each such license shall be
16 subject to **suspension or** revocation at any time by the department, if in the judgment of the
17 department the conditions under which it was issued are not being maintained. ~~[Each licensee shall~~
18 ~~be inspected by an employee of the department or by a person appointed by the department no less~~
19 ~~frequently than once a year.]~~ Upon receipt of a written complaint alleging violation of this
20 subdivision, the department shall investigate said complaint within a reasonable time. All license
21 fees shall be deposited in the state treasury.

22 38:3 Transfer of Animals; Inspections. Amend RSA 437:8 to read as follows:

23 437:8 Inspections. ~~[Inspections of all premises as described in RSA 437:1 shall be made at~~
24 ~~reasonable times, but in no case less frequently than every 6 months. Any duly appointed agent of~~
25 ~~any humane society or S.P.C.A. incorporated in the state of New Hampshire acting under the~~
26 ~~authority and direction of the department or an official representative of the department may make~~
27 ~~said inspections at any reasonable time.]~~ **Each licensee's facilities shall be inspected by a**
28 **employee of the department or by a person appointed by the department at reasonable**
29 **times determined by the department and no less frequently than once a year with the**

CHAPTER 38
HB 328-FN – FINAL VERSION
- Page 2 -

1 **possibility of additional random inspections.** Licensees without a physical facility in
2 New Hampshire shall be exempt from facility inspection, though interstate health certificates or
3 official health certificates for every imported dog, cat, **bird**, or ferret handled by the licensee shall be
4 submitted to the department for review within one month of the date of writing of the certificate.

5 38:4 New Section; Transfer of Animals; Notice and Hearing. Amend RSA 437 by inserting after
6 section 9 the following new section:

7 437:9-a Notice and Hearing. No license shall be suspended or revoked until a hearing is held
8 before the commissioner of agriculture, markets, and food. Written notice of such a hearing shall be
9 given to the licensee at least 10 days before said hearing. The notice shall be by certified mail and
10 shall state the date, time, and place of hearing and set forth the charges against the licensee.
11 Decisions of the commissioner shall be subject to rehearing and appeal in the manner prescribed by
12 RSA 541.

13 38:5 Importation and Sale of Animals. Amend RSA 437:10, I to read as follows:

14 I. No dog, cat, or ferret shall be offered for transfer by a licensee without first being
15 protected against infectious diseases using a vaccine approved by the state veterinarian. ~~[and]~~ **No**
16 **dog, cat, bird, or ferret shall be offered for transfer by a licensee** unless accompanied by an
17 official health certificate issued by a licensed veterinarian ~~[within 14 days of transfer]~~. **No transfer**
18 **shall occur unless the transferred animal or bird is accompanied by a health certificate**
19 **issued within the prior 14 days.** Said certificate shall be in triplicate, one copy of which shall be
20 sent to the state veterinarian, one copy of which shall be for the licensee's records, and one copy of
21 which shall be given to the transferee upon transfer as provided in paragraph II. If an official health
22 certificate is produced, it shall be prima facie evidence of transfer.

23 38:6 Importation and Sale of Animals. Amend RSA 437:10, III(c) to read as follows:

24 (c) All animal shelters shall comply with the provisions of RSA 437:10, V~~[-]~~ **and**
25 RSA 437:13-a, IV~~[-]~~ ~~and RSA 466:6-a, IV~~.

26 38:7 Health Certificates for Dogs and Cats. Amend the subdivision heading before RSA 437:13-a
27 to read as follows:

28 ~~[Breeder's]~~ Health Certificate for **Dogs, Cats, Birds, and Ferrets**

29 38:8 Health Certificates for Dogs, Cats, Birds, and Ferrets. Amend RSA 437:13-a to read as
30 follows:

31 437:13-a Health Certificate for **Dogs, Cats, Birds, and Ferrets.**

32 I. No **dog, cat or ferret** shall be transferred by any person in the state or out of the state for
33 a fee without first being inoculated against infectious diseases using a vaccine approved by the state
34 veterinarian. ~~[and]~~ **No dog, cat, bird, or ferret shall be transferred by any person in the state**
35 **or out of the state for a fee** unless accompanied by an official health certificate issued by a licensed
36 veterinarian within 14 days. Said health certificate shall be in triplicate, of which one copy shall be

CHAPTER 38
HB 328-FN – FINAL VERSION
- Page 3 -

1 sent to the state veterinarian in accordance with RSA 437:8, one copy shall be kept by the person
2 transferring ownership of said **dog, cat, bird, or ferret** for a period of at least 3 years, and one copy
3 shall be given to the new owner.

4 II. For purposes of this section, an official health certificate means a certificate signed by a
5 licensed veterinarian on a form approved by the state veterinarian, containing the name and address
6 of the person transferring ownership of the **dog, cat, bird, or ferret**, the age, sex, breed, and
7 description of the **dog, cat, bird, or ferret**, a list of all types of vaccines or medication administered
8 to the **dog, cat, bird, or ferret**, and the certification of the veterinarian that the **dog, cat, bird, or**
9 **ferret** is free from visual evidence of any communicable diseases **or internal or external**
10 **parasites**.

11 III. No person shall transfer or cause to be transferred any **dog, cat, bird, or ferret** less
12 than 8 weeks of age.

13 IV. All incorporated or chartered humane societies with operating shelters in the state of
14 New Hampshire are exempt from the requirements of this section relative to transferring **dogs, cats,**
15 **birds, or ferrets** except that all **dogs, cats, birds, or ferrets** transferred out of an animal shelter
16 facility shall have a form of positive identification, including but not limited to a tattoo, collar,
17 microchip, ear tag, or any other permanent form of identification approved by the commissioner of
18 agriculture, markets, and food and **dogs, cats, and ferrets** shall be vaccinated against rabies in
19 accordance with RSA 436~~[, and]~~. **All dogs, cats, birds, or ferrets** shall be accompanied by an
20 official health certificate if the **dog, cat, bird, or ferret** was imported into the state for transfer with
21 or without a fee.

22 V. The commissioner of the department of agriculture, markets, and food or designee is
23 hereby authorized on the commissioner's own initiative or pursuant to complaints of other persons to
24 investigate any complaints made pursuant to this section and to enforce the penalties of RSA 437:13-
25 a, VI. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such
26 investigations.

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

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

31 38:9 Licensing of Cats; Cross Reference Removed. Amend RSA 466:13-a to read as follows:

32 466:13-a Licensing of Cats. The governing body of a municipality may vote to license cats in a
33 similar manner as it licenses dogs. If a municipality elects to license cats, the same penalties shall
34 apply for unlicensed cats as for unlicensed dogs, and the provisions of RSA ~~[466:6-a and]~~ 466:8 of the
35 preceding subdivision shall not apply to cats. If a municipality elects to license cats, it shall also
36 develop a procedure similar to the procedure in RSA 466:4, III and 466:6 for group licensure. If a

CHAPTER 38
HB 328-FN – FINAL VERSION
- Page 4 -

1 municipality elects to license cats, it shall require cats to have a form of identification, including, but
2 not limited to a tattoo, collar, surgically implanted microchip or ear tag, or any other form approved
3 by the commissioner of agriculture, markets, and food. The commissioner of agriculture, markets,
4 and food shall adopt rules, under RSA 541-A, relative to the forms of identification.

5 38:10 Repeal. The following are repealed:

6 I. RSA 437:2, IV, relative to the definition of “SPCA”.

7 II. RSA 437:12, relative to notice and hearing for license suspensions of those involved in the
8 importation and sale of animals.

9 III. RSA 466:6-a, relative to the issuance of breeder’s health certificates for dogs.

10 38:11 Effective Date. This act shall take effect 60 days after its passage.

11

12 Approved: June 4, 2013

13 Effective Date: August 3, 2013