

Senate Commerce Committee

Aaron Jones 271-2609

SB 50, establishing a committee to study the regulation of private animal boarding facilities.

Hearing Date: January 23, 2025

Time Opened: 9:30 a.m.

Time Closed: 10:01 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy, McGough, Fenton and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill establishes a committee to study the regulation of private animal boarding facilities.

Sponsors:

Sen. Ward

Who supports the bill: Senator Ruth Ward, Patricia Morris, Karen Scott, Marcus Gilbert, Elizabeth Sargent (NH Association of Chiefs of Police), Chief Jim Brace (New Boston PD), Sheryl Gilbert, Kurt Ehrenberg (Humane Society of U.S.), Amy Ross Norwood, Holly Mokrzecki (Granite State Dog Recovery), Laurie Matheos (Granite State Dog Recovery), Diane Richardson, Nancy Holmes, Lisa Boyer

Who opposes the bill: No one

Who is neutral on the bill: Angela Ferrari

Summary of testimony presented in support:

Senator Ruth Ward

- This bill would establish a committee to study the regulation of private animal boarding facilities.
- The Committee would be tasked with reviewing current laws and regulations pertaining to private animal boarding facilities; identifying how facilities are licensed and how incidents are reported when an animal has been harmed, lost, or killed in their care; identifying gaps, if any, that may exist in current rules and regulations; and soliciting testimony from any person or organization with relevant information or expertise.

- This bill was filed on behalf of a constituent who had a boarding facility lose their dog, which has never been recovered.

Patricia Morris, Esq.

- Over the past 5 years, Attorney Morris said she has handled 37 cases where cats, dogs, and even horses, have died or spread contagious diseases at kennels or daycares.
- The Committee would bring together stakeholders and entities who could share their stories to determine if there needed to be regulation and who would regulate it.
- In New Hampshire, an average pet owner spends \$4,500 per year. An estimated \$580 million is spent on food and treats per year. This year alone, it is expected to exceed \$1.3 billion.
- In New Hampshire, 52 percent of households have a pet. Of those households, 24 percent have a dog. In total, there are an estimated 203,000 dogs, 330,000 cats, and 10,000 horses.
- This bill would allow towns to get involved to ensure their ordinances are followed.
- Recently, Attorney Morris said a horse stable had an outbreak of a contagious disease that was not reported to the state. Those horses were brought to Massachusetts thereby potentially exposing it to thousands of horses throughout New England.
- There also have been instances where facilities did not quarantine or report dogs that were exposed to RSV resulting in fatalities.
- **Senator Fenton** asked how other states regulate these businesses.
 - **Attorney Morris** said trainers and boarding facilities in Massachusetts must be licensed through the Department of Agriculture and there is an annual fee. She has spoken to owners of facilities, and they have indicated a willingness to be regulated. Pet owners use social media to determine if a facility is good; however, that can be manipulated. In comparison, shelters are licensed and inspected by the Department.

Karen Scott

- Ms. Scott stated her dog contracted an RSV infection from a daycare, which resulted in a \$650 veterinarian bill. In addition, the infection spread to her other dog.
- Ms. Scott said dogs are family members, and these facilities should have the same rules and regulations as child daycares.
- Ms. Scott said this bill would be a step in the right direction by providing owners with a peace of mind that their pets are receiving the best possible care, and they are being protected from harm.

Marcus Gilbert

- Due to the negligence of a dog kennel, Mr. Gilbert said his dog has been missing for 513 days.
- The facility used had 5-star reviews on Facebook, and they paid the owner in advance as well as provided them with feed for the dog. While enroute to pick up their dog, they were told their dog went missing. Mr. Gilbert filed a police report; however, the local police department was not allowed to enter the facility for 11 days.
- Mr. Gilbert said the facility has had prior mauling incidents as well as fatalities.
- **Senator Ricciardi** asked if he felt his dog had been sold or killed.
 - **Mr. Gilbert** replied that his dog would not have been taken over by animals. On the same weekend, another owner recovered their dog from a kennel that was transferring dogs into New Boston for breeding purposes. He believed his dog was killed or died in the care of the facility, and it had been covered up. Previously, the owner received a maximum citation of \$100 when another dog was mauled and killed at their facility.
- **Senator Ricciardi** asked if there was no recourse because it was a private facility and there were no regulations.
 - **Mr. Gilbert** said the police chief was unable to get a judge to sign a warrant for the owner's phone records and other communications. Based on videos taken of the property, the owner often leaves the kennels unsupervised for hours. He said he contacted Attorney Morris to move forward with a civil suit.
- **Senator Murphy** asked if a contract was signed when the animal was dropped off.
 - **Mr. Gilbert** stated arrangements were made over the phone, and a check was provided in advance. No refund was offered, and he said he did not sign an official contract with the owner.

Kurt Ehrenberg, New Hampshire State Director, Humane Society of the United States

- Mr. Ehrenberg said the study committee should include entities who have expertise in animal welfare.
- Mr. Ehrenberg supported the effort to improve laws in the state to ensure animals were better protected.

Amy Ross Norwood

- When Ms. Norwood operated a rescue, she had to be licensed as a pet vendor. When she transitioned from a rescue to a boarding facility, there was no licensing or oversight.
- Since there are no laws or regulations, Ms. Norwood has tried to educate pet owners to thoroughly vet facilities.
- Ms. Norwood said two arguments could be made against licensing.

- First, animals are considered to be “just animals” or property.
 - Due to public health concerns, rescues are licensed to prevent infection to other animals or humans.
 - Without licensing, Ms. Norwood asked if it should be left up to the honor code to ensure an individual’s property is undamaged while in someone else’s care.
- Second, it is a buyer beware situation where the responsibility should be on the pet owner.
 - As more cautionary or tragic outcomes occur, Ms. Norwood said individuals will become more aware and cautious.
- Ms. Norwood said insurance and training requirements as well as oversight should be part of the discussion.
- Ms. Norwood said future licensing should include the reporting of incidents of illness, injury, and loss to provide transparency to pet owners when they are researching boarding facilities.
- **Senator Murphy** asked if a contract is signed when someone drops off a dog at her facility.
 - **Ms. Norwood** replied yes.
- **Senator Murphy** asked if there were a private organization or association that oversaw kennels.
 - **Ms. Norwood** said there was the American Boarding Kennel Association, but she was not a member. When she applied for insurance, they reviewed her contract. She said this had been the only time someone had asked to look at it.
- **Senator McGough** asked if she was required to be licensed if she kept more than 5 animals.
 - **Ms. Norwood** stated there was nothing for boarding. There is a pet vendor license, which is applicable to breeders of 30 or more animals, pet stores, and large or in-home rescues. When she switched from being a rescue to taking care of animals, there was no one checking on their cleanliness or vetting their records.
- **Senator McGough** asked if a license was needed for the sale of or breeding of more than 5 animals.
 - **Ms. Norwood** replied yes. Pet vendors are breeders because it is contingent on the legal transfer of ownership. In a boarding facility, however, an owner retains ownership while an animal is being taken care of.

Summary of testimony presented in opposition: None

Neutral Information Presented: None