

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 535, defining residential breeder and imported animal for the purposes of animal transfers.

Hearing Date: February 17, 2026

Time Opened: 10:31 a.m.

Time Closed: 11:13 a.m.

Members of the Committee Present: Senators Rosenwald, Watters, Pearl and Avarad

Members of the Committee Absent : Senator McConkey

Bill Analysis: This bill defines residential breeder and imported animal for the purposes of animal transfers.

Sponsors:

Sen. Pearl

Sen. Avarad

Sen. Lang

Sen. Watters

Sen. Innis

Sen. Rosenwald

Sen. Abbas

Sen. Rochefort

Rep. J. Aron

Rep. Bixby

Rep. Moffett

Rep. Aures

Rep. Wood

Who supports the bill: 32 Individuals signed in support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Who opposes the bill: 1464 Individuals signed in opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Summary of testimony presented:

Senator Howard Pearl, District 17

- Senator Pearl introduced the bill and explained that it is designed to help ensure that animals are placed in appropriate and responsible homes. One of the department's concerns was that it does not want to conduct inspections inside private homes. The bill establishes a framework that allows the department to track animal activity and maintain proper record keeping without requiring routine in-home inspections.
- The legislation also creates a clear definition of a "residential breeder." This definition is intended to provide regulatory clarity and grant relief to the

department by limiting the need for in-home inspections, while still ensuring oversight through documentation and reporting requirements.

- The second part of the bill defines what constitutes an “imported animal.” It clarifies that animals brought into the state while pregnant are considered imported, and that their offspring are also classified as imported animals. As such, the offspring must comply with the same regulations and requirements that apply to any other imported animal.

Senator Watters asked for clarification regarding the number 50 dogs/cats in the language. He said in past legislatures, they agreed upon 30 and he believed that was a reasonable number. He asked if, on line 4, residence would include a barn.

Senator Pearl said it would just include the primary home, not a detached kennel but within an individual’s home.

Senator Watters asked about the enforcement aspect and how the department would know how many pets are being transferred and whether those animals have received their health certificates.

Senator pearl said he would let the commissioner speak to that point however he added that they put the database in place and it has helped them get a snapshot of the placement of animals in the community.

Senator Rosenwald asked about the number 50, stating that she was not familiar with gestation periods and wanted clarification on what 50 would look like in terms of a litter and animals born. She asked how that number translates to the number of litters and puppies on the ground.

Senator Pearl responded that he is not an expert but explained that there are differences in breeding practices depending on species. He stated that most dogs or cats would not exceed five or six breeding births in a year.

Senator Rosenwald then asked whether it would be reasonable for a single dog to give birth five times in one year.

Senator Pearl clarified that it would not be one dog giving birth five times; rather, it would involve five different dogs. He added that the proposed threshold would require all breeders meeting that number to register as pet vendors, which would help with record-keeping and oversight.

Commissioner Shawn Jasper, Department of Agriculture

- Commissioner Jasper said the department supported the bill and spoke to the constantly changing number of required animals but believed it was a reasonable place for people that are not traditional pet vendors.
- He did find an error on line 10 of the bill regarding the language on an imported animal and offspring, he explained that as written it only applies to the offspring and not the pregnant animal, and clarified that it should include both.

- He also addressed the concern about the number of animals and said it varies depending on breed of animal. He explained that it has been lowered to 25, then went back to 30 and now it is 50. It constantly changes, however they increased to 50 because they believe it is a reasonable number.

Senator Watters stated that the original cap was enacted in response to numerous egregious abuse cases in the past and asked for clarification.

Commissioner Jasper explained that the limit of 25 animals had been considered reasonable at the time, particularly given typical litter sizes. However, he acknowledged that the threshold ultimately captured many individuals who did not need to be regulated under the same standard. He further noted that the bill would require every animal transferred to be registered in the database, emphasizing that there would be no associated fee. Additionally, he stated that pet vending was very costly for the state to administer, as it involved significant operational expenses while generating minimal revenue.

Senator Watters stated that he was on the Governor's Commission on the Prevention of Cruelty to Animals. He said that at their most recent meeting, members discussed concerns that some individuals were pushing the boundaries of the law. He noted that certain breeders were not obtaining required health certificates and were instead transferring animals privately, preventing the state from tracking those transfers. He asked whether it was not the health certificate requirement that enabled the state to determine who possessed and transferred animals.

Commissioner Jasper responded that yes, some individuals might continue operating quietly because they were exceeding the current limit of 30 animals. He stated that he hoped raising the threshold to 50 would encourage compliance, prompting breeders to follow the proper process and obtain the required health certificates. He said the change would bring those individuals into compliance. He added that those exceeding 50 animals were generally well-established breeders who advertised their operations and were widely known.

Senator Watters stated that there was currently no reliable way to determine whether individuals were transferring more than 30 or 50 animals and asked for clarification on how the proposed change would address that issue.

Commissioner Jasper stated that he was correct. He explained that if someone was advertising animals for transfer and they noticed that no health certificate had been issued for that person or animal, that situation could prompt an investigation.

Senator Watters said that an issue has been raised regarding departments that do not have a designated animal control officer. In some cases, these departments may become aware of potential violations but feel they are unable to take action because they do not have an animal control officer. He asked whether he was aware of this problem.

Commissioner Jasper responded that he believes this may simply be a matter of departments pushing responsibilities off. He explained that every police chief has the authority to designate an officer to handle animal control duties, and that a separate

animal control officer is not required. He noted that many small towns handle animal control this way.

Senator Pearl clarified that they are not creating a new situation regarding the number 50 and addressed the confusion around whether it was 30 or 50. He believed they would still need to register as a pet vendor at 30, but at asked the commissioner for confirmation.

Commissioner Jasper said he was unsure about the full scope of the statute, but he did not believe breeders were required to register. However, he said they would still need to submit a certificate of transfer. He recalled that the law created a new category of “residential breeder,” and explained that breeders do not become classified as pet vendors until they reach 50 animals.

Senator Pearl said he remembered the statute being written so that residential breeders would register as pet vendors, but that the change was intended to relieve the department of conducting home inspections. He noted that this meant the department would no longer be going into private homes.

Commissioner Jasper responded that the statute appears to address both issues. He said that if breeders are not required to register, that is acceptable, but the inspections are unnecessary and should not complicate the process. He added that he hopes they will still submit transfer certifications.

Charles Stanton, Executive Director of New Hampshire Humane Society

- He stated that the bill creates a new definition that feels contradictory to what is actually needed and noted that the discussion about increasing the animal limit has been a longstanding misinterpretation within the animal welfare community. He emphasized that the bill is confusing to the public, poorly written, and requires clarification.
- He expressed that the State does need to lower the maximum number of animals allowed in non-licensed operations, pointing out that if individuals are quietly exceeding the 30-animal limit, they could also exceed 50, questioning the rationale for pushing the limit higher.
- He questioned why the State continues to overregulate licensed, compliant shelters when the Department of Agriculture has already indicated they are overburdened, noting that this focus distracts from egregious activity by unlicensed and non-compliant groups.
- He highlighted that enforcement gaps exist at every level throughout the state, making current regulations less effective and unevenly applied.
- He argued that what is missing is a comprehensive master plan. Rather than reacting to issues as they arise, the state needs a clear, long-term strategy with defined objectives, measurable benchmarks, and coordinated implementation to align regulations with overarching goals, reduce redundancy, and provide transparency for all stakeholders.

Patricia Morris

- Ms. Morris explained that the bill created a new statutory definition without clearly integrating it into the existing regulatory framework, which created potential confusion and enforcement gaps.
- Pet vendors were already confused. The issue was not unwillingness to comply, but uncertainty about how to comply due to unclear and inconsistent statutory language.
- The department was being asked to take on additional responsibilities despite existing staffing limitations and inconsistent enforcement of current law. Expanding oversight without added capacity increased the risk of enforcement gaps.
- Key terms such as “litter” and “imported animal” required clearer, consistent definitions. Because “import” was not defined in statute, its interaction with Section 478 remained unclear.
- Overall, the bill added another layer to an already complex system and risked creating more ambiguity rather than providing meaningful or workable relief.

Senator Pearl noted that changes have been made throughout the years to assist the department, including reevaluating whether private foster homes truly require inspections. He stated that the goal of the bill is to allow non-problem breeders to obtain relief from certain requirements, particularly home inspections. In that sense, the bill appears to be designed to create relief for a small, specific niche of residential breeders and pet vendors who have not demonstrated compliance issues.

Ms. Morris agreed that relief for compliant operators may be appropriate. However, she expressed concern about breeders who have been involved in serious and troubling cases in the past. Her position suggests that while targeted relief may be justified, the language must be carefully drawn to ensure it does not inadvertently weaken oversight in situations where it is clearly needed. The distinction between responsible breeders and those with problematic histories must be clearly articulated in statute.

Senator Pearl requested that Ms. Morris provide her suggested language to clarify and refine the bill.

Ms. Morris agreed to do so and get back to the committee with her recommendations.

Diane Richardson

- She expressed support for the bill’s effort to provide clearer definitions. Clarifying terminology was a positive step and helped bring structure to an area that had lacked precision.
- However, she noted that the bill ultimately lumped residential home breeders into the broader oversight category, and that oversight had not actually been removed. While the term “residential home breeder” was introduced, those breeders were still required to be licensed and subject to regulation.

- She also raised concern that certain requirements such as maintaining an “inspectable facility” did not translate well to private homes. Standards designed for commercial facilities may not work effectively or practically in a residential setting.
- She cautioned the committee about the issue of imported pregnant animals. She emphasized the need for careful consideration and clear language to ensure that the law addressed potential risks without creating unintended loopholes or enforcement challenges.

RayLynn Bradigan, Executive Director of Upper Valley Humane Society

- Ms. Bradigan had some questions regarding language and past testimony. She expressed concern regarding past testimony that if a home is better for animals being raised at breeders and they do better if raised in a home for rehabilitation then it didn’t make sense as to why for SB475 the committee was discussing more specific regulations for a foster home. She explained that if a home is better for a pet medically or behaviorally, these two arguments contradict each other.
- She also expressed concern about the number of animals in regards to the 30/50 number. She said if it was said that it would be up to the breeders to make responsible decisions to have animals in their home.
- She stated that if a home environment was considered beneficial for pets medically and behaviorally, then creating more specific regulations about who could operate a foster home appeared inconsistent.
- She expressed confusion that while previous testimony emphasized trusting breeders and veterinarians to exercise professional judgment, SB 475 introduced more prescriptive regulations, which she viewed as contradictory.

Senator Pearl clarified that the bills were introduced by different sponsors and were intended to address separate issues. He explained that the committee and the legislature recognized that, in certain situations, pets may require placement in a home setting or under care different from that of a typical pet vendor. He stated that the bill would prohibit the importation of animals for this purpose and would prevent the accumulation or hoarding of large numbers of animals within a single home. He noted that although only a small group had presented concerns in the past, the legislation was designed to safeguard this niche area and prevent potential abuse or harm to animals. He explained that some tailoring of the law was necessary to clarify and close existing loopholes in the current statute.

Commissioner Shawn Jasper, Department of Agriculture

Senator Watters asked about the definitions in RSA 437:1, noting that the bill added a new definition for “residential breeder.” He questioned whether adding this term created a conflict, particularly since it might also require amending RSA 437:1, IV. He

discussed how the change could affect the existing definition of “pet vendor,” especially if the threshold were set at 50 animals, which could cause someone to be reclassified as a pet vendor depending on their location in the state. He asked whether further clarification was needed in the statutory language to ensure consistency.

Commissioner Jasper stated that the bill needed to include a clear exemption within the rules, specifying that those with fewer than 50 animals would be exempt from certain requirements. He emphasized that the language must clearly outline how inspection requirements apply, explaining that there was currently a lack of clarity in the rules and that it was often unclear what pet vendor standards applied.

Senator Watters expressed concern that the proposed language could create a conflict with existing rules if they do not amend 437-1, IV.

Commissioner Jasper responded that there were currently pet vendors who were breeders and others who operated as retail stores but. He stated that he would leave the policy decision on the specifics to the legislature but emphasized the need for clarity regarding inspection and enforcement. He noted that whether the threshold was set at 50 or 30 animals, the individual could still be considered a pet vendor, though potentially subject to different requirements, and the distinction needed to be clearly addressed.

Senator Watters stated that there was an obvious conflict in section 4 of the bill and there should be a clear distinction in the language.

Senator Rosenwald noted that a previous speaker had raised concerns about a lack of resources. She questioned whether this legislation was an “ass-backwards,” approach, suggesting that the statute was being changed without first providing the necessary resources. She asked for clarification on whether the department may need more resources before creating legislation that could cause problems.

Commissioner Jasper stated that the issues were not mutually exclusive and emphasized that no additional staffing would be needed. He added that he did not see any problem with residential breeders and noted that it was not reasonable to expect the department to conduct inspections for private homes.