

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 475, including a determination of the best interest of the animal in the definition of foster home.

Hearing Date: February 17, 2026

Time Opened: 9:30 a.m.

Time Closed: 10:31 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill includes a determination of the best interest of the animal in the definition of foster home.

Sponsors:

Sen. Birdsell

Sen. Avard

Sen. Ward

Sen. Innis

Sen. Watters

Sen. Abbas

Rep. N. Germana

Rep. W. MacDonald

Rep. C. Harvey

Who supports the bill: 1550 Individuals signed in support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Who opposes the bill: 37 Individuals signed in opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Who is neutral on the bill: 1 Individual signed neutral on the legislation. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Summary of testimony presented:

Senator Regina Birdsell, District 19

- Senator Birdsell introduced the legislation and stated that the legislation would create a definition for foster homes for animals. The legislation makes it clear that animals can be transferred to a foster home if it is determined by a veterinarian that it is in the best interest of the animal to be transferred.
- She stated that the Department of Agriculture changed the enforcement of a past rule, 1705.05. The rule prevents foster homes from taking in pregnant or nursing animals. The rule was not previously enforced by the Department; however it is now being enforced.

- She stated that pregnant and nursing animals benefit from the stability of a foster home. Puppies raised in foster homes are better adjusted to life as a pet than animals raised in shelters.

Senator Pearl recognized the tension that this legislation has created and asked what Senator Birdsell thought about the amended language provided by the commissioner.

Senator Birdsell said that the Governor approved of the bill as written. She recommended that Senator Pearl speak to the Governor about his thoughts. She added that the Governor did not want to make any changes but the language is very similar and she would have to connect with the Governor before making any decisions.

Senator Pearl said that he will take that advice and speak to the governor before moving forward.

Senator Rosenwald asked about the difference between inspections done by pet vendors versus inspections done by animal shelters. She asked if it was appropriate for pet vendors to conduct these investigations.

Senator Birdsell said that her question would be better answered by the stakeholders and professionals that are set to testify after her.

Commissioner Shawn Jasper, NH Department of Agriculture

- Commissioner Jasper spoke in support of the legislation. He asked the committee for an amendment to clarify some language.
- He referred to Senator Rosenwald's question about pet vendors and animal shelters. He explained that all animal shelters are licensed as pet vendors. He said he wants the law to be consistent everywhere and the language he recommended will do just that.
- He stated that the current agriculture rule says pregnant and nursing animals could not be taken into foster homes. They have not strongly enforced this rule due to a lack of resources at the department.
- The proposed amendment would address the conflict between the definition of foster homes and foster facilities. The amendment clarifies this issue by providing a single definition that covers both foster homes and facilities.
- Spoke about the issue of registering foster homes. If the department was provided a list of the animals being fostered as well as recent inspections it would reduce the burden on the department. He stated that most pet vendors are good about record keeping but there are always outliers.
- The amendment would reinstate the "rehabilitation and behavioral issues" as a reason for an animal to be fostered. The original language of SB 475 did not include "rehabilitation and behavioral issues." Mr. Jasper claimed it would cause confusion.

Senator Rosenwald asked why they should allow pet vendors, even the bad ones, conduct foster facility investigations.

Commissioner Jasper stated that's the way the rules currently work. Explained that they only do an investigation if there is a complaint. Says that it would not be possible to determine who is capable of conducting an investigation and who is not. He is more concerned about record keeping.

Senator Rosenwald mentioned the requirement for foster facilities to be registered. Asked how they know what's going on in foster private residences.

Commissioner Jasper stated that they can't do inspections of every facility every year. The bill would allow them to keep records on where foster pets have been transferred and are currently located. This bill codifies rules that the Department currently follows.

Senator Pearl stated he was happy to see the amendment was dialed back to a more reasonable level. He asked about the final line of the bill which requires inspections of all foster facilities and inquired as to what the definition of foster facilities is.

Commissioner Jasper clarified that the line should say "foster homes and facilities." He explained that foster homes and facilities are defined in the amendment for clarification.

Senator Pearl asked if this bill only contains clarification on rules the department currently follows.

Commissioner Jasper said yes.

Senator Rosenwald stated that she was still confused about why pet vendors would do the inspections not animal shelters. Stated that animals shelter generally are more concerned about the wellbeing of animals.

Commissioner Jasper stated that the department only licenses for pet vendors. Animal shelters are licensed as pet vendors. He does not see a reason to separate those. Stated that there have been 34,000 certificates issued for dogs, cats and ferrets in the last 12 months. Most of those animals are imported while they are still in the womb. Spoke to the success of the NH spay and neuter program.

Senator Rosenwald asked if there would be value to say "licensed pet vendor in good standing".

Commissioner Jasper said that language would add a burden to the department that they cannot handle. Restates that the concern is not with the condition of the foster facilities/homes but rather record keeping. This bill addresses the problem of losing track of foster animals.

Charles Stanton, NH Humane Society

- Mr. Stanton said he "reluctantly" supported the bill. He explained that fostering is important because it allows animals that don't do well in a shelter environment to thrive. He feels that animal welfare and shelter input is often ignored. He stated that the language of the bill remains confusing.
- His main concern was that veterinarians are not always the most appropriate decision makers for all foster situations.

- The state of NH lacks a coherent master plan for animal welfare. This has resulted in piecemeal attempts at regulation that make enforcement and compliance confusing and difficult.
- He stated that NH has over regulated animal welfare laws. He mentioned that the Department of Agriculture is doing a great job but they have been burdened by excessive additional responsibilities.
- He spoke about the cost of municipal services that they provide, emphasizing that it cost \$600,000 and they were only able to receive \$80,000 and had to raise the remaining \$520,000. They are not required by law to fill that gap but he feels it was their responsibility to do so.
- He was worried that over-regulation will prevent him from continuing operations in NH.

Patricia Morris

- Ms. Morris stated that the Commission voted OTP on this bill as written. Governor Ayotte supports the bill as written.
- Ms. Morris recommended that the committee add an immunity clause for veterinarians. Concerned that a veterinarian could be held liable for an animal that causes harm once it has left the veterinarian's care.
- She clarified the difference between a foster facility and a pet vendor. She also agreed that the pet vendor approach is correct as that is what is licensed by the state.
- She was concerned about the definition of foster facilities and foster homes, stating that they are not the same thing. Foster facilities are subject to unannounced investigations. Foster homes are private residences and are not subject to unannounced investigations unless a warrant is provided. Foster homes are not in the business of transferring animals. They act as care givers.
- She stated her concern about conflicts between department rules and the proposed legislation. Said that "rehabilitation" is already defined in agriculture rules and adding statutory language will cause a conflict. Concerned that the amendment specifically contradicts the best interest of the animals.

Commissioner Shawn Jasper, NH Department of Agriculture

- Mr. Jasper stated that if the language does not include "rehabilitation" it would force him to change department rules. He can only put that which is supported by the law into department rules.
- The bill would give the department clarity on the rules he can and cannot make regarding what animals can fostered.
- He explained that the rules will have to change despite if amendment does not pass. He would have to remove the restriction on pregnancy.

Hannah Hurley, Friends of the Manchester Animal Shelter

- Ms. Hurley was in support of the legislation, she said that the legislation reflects what veterinary and shelter medical professionals have deemed to be best practice. Juvenile, elderly, and pregnant animals are all vulnerable in a shelter environment. These animals have higher rates of disease transmission when in a facility.
- She said that pregnant and neo-natal animals need specialized and enhanced

care. They are immune-compromised and are prone to emergencies. Municipal shelters often cannot be staffed overnight. This limits their ability to address those emergencies as they come up. Foster homes are better equipped to deal with those situations.

- The bill would protect the most venerable animals in the community.

Diane Richardson, Dog Breeder/Trainer

- Ms. Richardson spoke in support of the bill and referenced her decades of experience as a dog mid-wife and the work she has done teaching how to properly birth and raise puppies. Puppies and kittens raised in foster homes are better prepared for life as a pet than animals raised in shelters.
- Upon subsequent readings of the bill, she realized that it contains significant gray areas. She said that the bill should specify that the veterinarian must be licensed in NH and that there is too much wiggle room for foster homes to become housing facilities.

Senator Avard asked if she had a chance to read the amendment.

Diane Richardson said the amendment was an improvement upon the bill as written.

Senator Avard asked what she thought about the suggestion for immunity for veterinarians.

Diane Richardson said that it is the responsibility of the licensed pet vendor to pick a foster home that best fits the animal's needs. It should not be the veterinarian's liability.

Senator Rosenwald asked if the pet vendor should have a facility that is subject to inspection.

Diane Richardson said that they do have facilities that are inspected. Breeders, shelters, and rescues all have their facilities investigated. It is apart of being a pet vendor.

Caryn Fugatt, Pope Memorial Humane Society Dover

- Ms. Fugatt spoke in support of the legislation.
- She stated that foster homes are critical to shelter operations and have been proven to save pets lives. Foster homes allow individualized care that cannot be provided in a shelter environment. That is especially important for pregnant and nursing animals.
- She spoke about an experience where a pregnant foster cat had labor complications. She said that the only reason the cat and kittens survived is because they were in the care of foster home. They would not have been able to provide immediate attention if the cat was in a shelter.
- She agrees that foster home and facilities should be defined together, but it would have to be with the understanding that the department would take out restrictions for pregnant animals. She asked that the committee to better define "rehabilitation".

Senator Pearl asked if her facility currently uses “fosters” and if they kept a list of records.

Caryn Fugatt responded that her facility does currently use fosters and they do keep a list. She said that their common practice is to conduct inspections and keep records of everything, however she was interested to know the details of the new reporting requirements. She didn’t want to speak on that language until she knew the details.

Senator Pearl asked if she understood Mr. Jasper’s comment about the need for “rehabilitation” to be included in the rules language.

Caryn Fugatt said she did understand the comment. Clarifies that she would like to see a more specific definition for what is meant by “rehabilitation” and how limiting it would be.

Savannah Alcerro, NHSPCA

- Ms. Alcerro supported the legislation. She emphasized the importance of foster homes and said that in regard to the changes, she agreed with Ms. Fugatt’s prior comments on the proposed amendment.

Lauren Martin

- Ms. Martin supported the legislation and stated she believed it was important that veterinarians who are in charge of caring for the animals are the ones who decide if foster care is in the best interest of the animal.
- She was concerned about the language in the proposed amendment. Specifically, the requirement that foster care is deemed “necessary” for the health and well-being of that animal. She explained that this language will create confusion.
- Prior to the amendment of agriculture rule 1705, fostering was permitted for medical or behavioral rehabilitation. “Rehabilitation” was previously interpreted to include pregnancy. She said that the department changed this, and pregnancy is no longer considered medical rehabilitation.

Senator Pearl asked whether she wanted the language to clearly state that the veterinarian should be responsible for determining the best placement for an animal, rather than leaving that decision open to debate within the department.

Ms. Martin confirmed that she did. She explained that having the veterinarian make the final decision would help reduce conflict between the department and pet vendors. She also commented on the requirement for foster facilities to be registered, noting that this provision could create confusion due to the possibility of multiple interpretations.

Commissioner Shawn Jasper, NH Department of Agriculture

- Stated that there is no role for the department to debate the decision made by the veterinarian and believed it was clear in the language. He said there may be a time when they consult the veterinarian but not when they make a decision on behalf of.

Senator Watters asked for clarification that the amendment does include pregnant and lactating animals.

Commissioner Jasper said that it does include pregnant and lactating animals and that would determine the rule making.

Mary Aranosian, Live and Let Live Farm Rescue

- Ms. Aranosian spoke in support of the legislation and said that foster homes are correct environment for pregnant animals. Hormonal changes during pregnancy cause stress in pregnant animals. This is exacerbated by the shelter environment.
- She added that kittens have a better chance of survival being placed in a foster home. She mentioned that the Department of Agriculture is considering adding a fee onto the burden of rescues and said that shelters and rescues are already financially burdened by the constant flow of unwanted animals.

Senator Avard confirmed that the fees are not in consideration.

Teresa Paradise, Live and Let Live Farm Rescue

- Ms. Paradise was in support of the legislation.
- She said that foster homes are important for pregnant animals to receive adequate care. She spoke highly of the foster homes ability and willingness to communicate with the supervising facility. Foster homes allow new born animals to adjust to family life better than a shelter

Sarah Proctor, Veterinarian at Pope Memorial Humane Society Dover

- Ms. Proctor spoke in support of the legislation and said that the VMA would be in support of both the bill and proposed amendments. She said that foster homes encourage proper health and behavioral education for infant animals.
- She emphasized the importance of having 24/7 coverage for animals and how foster homes are safeguard for rehabilitating animals.