

Amendment to SB 446-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Subdivision; Animal Care Center Requirements. Amend RSA 437 by inserting after
4 section 22 the following new subdivision:

5

Animal Care Center Requirements

6

437:23 Definitions. In this subdivision:

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8 I. "Animal care center" means a commercial dog care facility, including boarding kennels,
9 dog daycare facilities, board-and-train programs, and grooming facilities when dogs are kept under
10 the facility's supervision for a period of time. "Animal care center" shall not include a private
11 residence where 5 or fewer dogs, not owned by the resident, are cared for at a time in exchange for a
12 fee, licensed veterinary establishments, humane societies, animal shelters, municipal impound
13 facilities, or licensed pet vendors regulated under other provisions of law.

14

15 II. "Fire protection sprinkler system" means an assembly of underground or overhead piping
16 or conduits that conveys water with or without other agents to dispersal openings or devices to
17 extinguish, control, or contain fire and to provide protection from exposure to fire or the products of
18 combustion.

19

III. "Proper care" means an animal care center that:

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(a) Is structurally sound;

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(b) Is maintained in good repair to:

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(1) Protect the animals from injury;

23

(2) Contain the animals; and

24

(3) Prohibit the entrance of other animals;

25

(c) Has reliable and adequate electric power and potable water;

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(d) Has supplies of food and bedding stored in facilities that adequately protect such
27 supplies against infestation or contamination by vermin, with refrigeration provided for supplies of
28 perishable food; and

29

(e) Disposes of waste according to the following:

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(1) Any waste that would be considered infectious waste shall be stored, treated,
31 transported, and properly disposed of;

32

(2) Provisions shall be made for the removal and disposal of:

(A) Animal and food wastes;

(B) Bedding;

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1 (C) Dead animals; and

2 (D) Debris;

3 (3) Disposal facilities shall be constructed to prevent and minimize:

4 (A) Vermin infestation;

5 (B) Odors; and

6 (C) Disease hazards; and

7 (4) Waste shall be removed as often as necessary, but no less than once daily, unless
8 otherwise specified in the written animal health program.

9 437:24 Informed Consent Required.

10 I. An animal care center owner or operator who is boarding or providing services to 6 or
11 more dogs at the center shall not leave the dogs unattended without an employee present unless:

12 (a) The animal care center owner or operator provides to the owner of the dog written
13 notice that:

14 (1) The dog will be left unattended at the animal care center without an employee
15 present during the hours specified in the notice; and

16 (2) If the animal care center is not equipped with a functioning fire protection
17 sprinkler system, notice that the animal care center does not have a fire protection system; and

18 (b) The owner of the dog provides to the animal care center owner or operator a signed
19 document consenting to the dog being left unattended as provided in the notice.

20 II. An animal care center owner or operator who is boarding or providing services to 6 or
21 more dogs at the center shall provide to the owner of the dog written notice that he or she does not
22 carry liability insurance.

23 437:25 Required; Report of Injuries; Inspection.

24 I. Animal care centers shall report to local law enforcement any injury to an animal or
25 person that requires veterinary or medical treatment, results in death, or involves suspected cruelty
26 or neglect, and such reports shall be investigated by local law enforcement. Minor injuries not
27 requiring veterinary care shall require notification to the animal's owner only and shall not require
28 reporting to law enforcement. In consultation with the New Hampshire police association and the
29 New Hampshire association of chiefs of police, a form shall be developed for such reporting and a
30 time frame for submitting a report after an injury. The form shall be available for animal care
31 center operators to report qualifying injuries. Animal care centers shall also notify local law
32 enforcement and the owner of a dog when such dog has gone missing and if or when such dog is
33 found. Public reporting shall be limited to allegations of cruelty, neglect, or injuries requiring
34 veterinary or medical care.

35 II. The law enforcement of the municipality in which the animal care center is located shall
36 make investigative reports of injuries publicly available on its website if the investigation results in
37 the department bringing enforcement action against the animal care center.

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1 III. An inspector employed by or authorized by the department of agriculture, markets, and
2 food shall conduct an inspection every 2 years to ensure compliance with this chapter. Local law
3 enforcement or authorized inspector may assist the department in cases involving emergency
4 conditions, cruelty, or criminal violations, but shall not conduct routine regulatory inspections. An
5 authorized inspector may include, but shall not be limited to, an animal control officer, the mayor of
6 a city, the select board of a town, the town manager of a town, the chief of police, or another
7 designated town or city official. Inspections shall be conducted using standardized inspection
8 criteria according to rules defined by the department of agriculture, markets, and food, and animal
9 care centers shall be provided a reasonable cure period for non-critical deficiencies prior to
10 enforcement action. The animal care center owner or operator shall be present during the
11 inspection. Only the areas of the residence that are used for animal care purposes or for the
12 maintenance of animal care center records shall be required to be available for inspection.

13 IV. If, in the judgment of the local law enforcement officer or an authorized inspector, an
14 animal care center is not being maintained in a sanitary and safe manner, the local law enforcement
15 officer or authorized inspector may, depending on the severity of the offense, issue a written citation.
16 If a facility is determined to be noncompliant, the department of agriculture, markets, and food may
17 order corrective action or temporary closure only after consideration of animal safety and continuity
18 of care. Facilities shall maintain an emergency animal care and continuity plan to ensure animals
19 are properly cared for or transferred in the event of a closure.

20 437:26 Animal Care Center Certification. No person shall operate an animal care center in the
21 state without first obtaining a certification from the commissioner of the department of agriculture,
22 markets, and food. Certification shall be valid for a period of 2 years from the date of issuance and
23 shall be renewed biennially. The cost for certification shall be a non-refundable \$200 fee, payable to
24 the department of agriculture, markets, and food at the time of application or renewal. The
25 commissioner shall issue certification upon determination that the applicant meets the requirements
26 established under this chapter and any rules adopted pursuant thereto. Certification issued under
27 this section may only be revoked or suspended upon a finding that the certificate holder has violated
28 the provisions of RSA 437:25, IV. The commissioner may adopt rules, pursuant to RSA 541-A,
29 relative to the application process, renewal procedures, and standards for certification under this
30 subdivision.

31 437:27 Penalty. An animal care center owner or operator who violates this subdivision shall be
32 subject to a fine equal to \$500 for each animal subject to the violation and for each day the violation
33 continues.

34 2 Sale of Pets and Disposition of Unclaimed Animals; Transfer of Animals and Birds;
35 Requirements. Amend the introductory paragraph of RSA 437:3 to read as follows:

36 No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the
37 commissioner for a license, giving such information as the commissioner shall require. A pet vendor

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1 that transfers more than ~~[50]~~ **30** or more dogs, ~~[50]~~ **30** or more cats, ~~[50]~~ **30** or more ferrets, or 50 or
2 more birds shall include proof that the zoning enforcement official of the municipality wherein any
3 facility is to be maintained has certified that the facility conforms to the municipal zoning
4 regulations in his or her application. The application shall be accompanied by a non-refundable
5 \$200 fee. All licenses shall expire ~~[on June 30 of each year]~~ **every 2 years** and be subject to renewal
6 upon submission of a new application. No licenses shall be transferable. A pet vendor licensed
7 under this subdivision shall:

8 3 Effective Date.

9 I. RSA 437:25, III and IV, RSA 437:26, and RSA 437:27, as inserted by section 1 of this act,
10 shall take effect January 1, 2028.

11 II. The remainder of this act shall take effect January 1, 2027.