

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1766-FN, relative to cruelty to livestock.

Hearing Date: April 2, 2026

Time Opened: 9:54 a.m.

Time Closed: 11:56 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill provides procedures for the potential confiscation of livestock involved in cruelty to animal cases.

Sponsors:

Rep. Comtois

Rep. J. Aron

Rep. Bixby

Who supports the bill: 24 Individuals signed in Support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 14 Individuals signed in Opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Representatives Barbara Comtois (Belk. 7) and Peters Bixby (Straf. 13)

- Representatives Barbara Comtois and Peters Bixby introduced the legislation and said this legislation had come from years of work with stakeholders and the department of Agriculture.
- The proposed bill establishes a new subparagraph specifically addressing livestock, in order to better distinguish these animals from other categories covered in existing law.
- The legislation maintains the authority of law enforcement to confiscate animals when there is a determination that an animal's life is in danger.
- Representative Comtois emphasized that establishing probable cause requires an understanding of the specific species involved, noting that evaluating animals such as cows should be done with species-specific knowledge rather than a generalized approach which is why they included "designee" for the State

veterinarian. They also included a provision wherein if the subject whose animals are being confiscated do not agree with the State veterinarians decision they can choose another professional at their own expense.

- The sponsors indicated that the proposed revisions they made in the House are relatively minor and are intended to align this bill with other related legislation currently under consideration.
- The sponsors affirmed their position that law enforcement remains the appropriate authority to carry out enforcement of the provisions in the bill. They stated that the bill represents a balanced approach and reflects a compromise on many of the key issues that had been raised during its development.
- Representative Bixby highlighted the inclusion of a new section specifically addressing livestock animals and clarifying how they are to be treated under the law.
- The bill provides that any livestock confiscated by an investigating officer must involve the State Veterinarian, whose participation would help establish probable cause for the confiscation.
- The sponsors expressed that they are comfortable with the proposed amendment changes from Senator Pearl and believe it improves the legislation.
- Representative Comtois stated that, after reviewing the amendment, she agreed that the changes adequately address several of the outstanding concerns that had previously been identified.

Senator Rosnewald stated the legislation implies that all animals, except livestock, can be seized when there is a danger to their health or life. However, in the section addressing livestock, they can only be seized when there is an imminent danger to their life. She asked why the health of some animals is considered less important than others?

Representative Comtois explained that animals are generally categorized either as pets or as livestock, livestock typically means animals raised for business purposes or personal consumption. She said that while the health of any animal is important, if a livestock animal's life is in danger, that is treated as a danger to their health.

However, danger is still danger, whether it affects an animal's health or its life.

Senator Rosenwald questioned whether, if she owned a horse, it would be considered a companion animal. She expressed confusion about why the legislation protects only the lives of some animals, while protecting both the life and health of others.

Representative Bixby referred to Section 4a(a), explaining that it reflects current law and longstanding practice. He noted that temporary custody has been used in situations where an owner is not present and animals are perceived to be in danger. In such cases, an arrest cannot be made because the owner is absent, yet the animals may still require intervention. The intent of this provision was to address situations where an owner or manager is not present. However, Rep. Bixby explained that under the cruelty section, a person can be charged with a crime related to the taking of animals, even if they are not present, due to the wording of that section. To address

this, due process procedures were added to clarify the chain of custody when charges are filed. He emphasized that the purpose of the bill is to reestablish due process rights that are lost when animals are taken without an arrest.

Representative Comtois added that, on page 3, line 7, the language regarding protective custody specifies a “clear and imminent danger” to the livestock’s health or life, in response to Rosenwald’s question.

Senator Watters raised questions about the euthanasia provision, asking whether the language suggests that animals could be euthanized if funding is insufficient, and who would be responsible for covering those costs.

Representative Comtois explained that Senator Pearl’s amendment was made to address this concern. Under the revised language, euthanasia would only occur if the animal is suffering or if the owner agrees to cover the expense or potentially transferring the animal to adoptee.

Senator Watters noted that the language still appears to allow for animals to be euthanized if funding runs out.

Representative Comtois explained that the provision includes a carve-out allowing the owner to cover the costs, or for financial responsibility to be assumed by an adoptee.

Representative Bixby explained that the decision ultimately rests with the treating veterinarian. He stated that a determination regarding euthanasia is made when an animal is found to be in a state of suffering.

Senator Watters disagreed, asserting that the language is incorrect and does not adequately reflect the realities in areas with few working equines.

Representative Bixby continued by elaborating on the statutory language, emphasizing that euthanasia decisions are tied specifically to conditions of suffering.

Senator Rosenwald raised concerns about the constitutional right to due process, cautioning against allowing these cases to “jump the line” ahead of others in the court system. She noted concerns about the right to a speedy trial, particularly given that courts are closed to jury trials for several weeks each year. She questioned whether it is appropriate for animal-related cases to be prioritized over criminal cases involving human defendants.

Representative Comtois responded that these cases involve animals that may be neglected or harmed, and therefore should not be allowed to drag on longer than necessary, emphasizing the need for timely intervention.

Commissioner Shawn Jasper, Department of Agriculture

- Commissioner Jasper raised concerns about the language of the bill, emphasizing that it specifically pertains to livestock. He noted that an important provision, “unless the owner does not pay for care”, had not been

addressed. He stated that while the cost-of-care fund is not expected to run out of money, limits have been established through administrative rules.

- He expressed concern that if an owner refuses to pay for care, the state veterinarian could effectively become the “judge, jury, and executor,” which he argued is not fair. In such cases, financial responsibility may shift to the municipality or town. He added that if the cost of care exceeds the animal’s value and the animal is suffering, euthanasia may be carried out.

Senator Pearl responded that his amendment includes an option for adoption if the owner declines to pay for care, and he asked whether the Commissioner had reviewed his amendment or had any thoughts on it.

Commissioner Jasper expressed concern about situations in which an animal is in a state of suffering but must wait for adoption. He suggested that there should be a defined time limit for such cases to prevent unnecessary delay.

Senator Rosenwald asked why the department was unable to provide a fiscal note on the bill.

Commissioner Jasper responded that he could not give a definitive answer, suggesting that the issue may have gone under the radar. He explained that the department had begun working on it but did not complete it in time, and he apologized for not providing it to the committee sooner.

Senator Watters also asked about Senator Pearl’s amendment regarding suffering. He noted that Representative Bixby had referred to “extreme suffering,” but he did not see that language reflected in the bill. He also recalled the Commissioner using the phrase “cannot be alleviated,” which likewise does not appear in the text. Watters emphasized that if such standards are intended, they should be explicitly included in the legislation.

Commissioner Jasper said he was “cringing” when Representative Bixby mentioned “extreme suffering,” because that language is not in the bill. He emphasized that when an animal is suffering, the suffering should be alleviated, regardless of severity. It is not about “extreme” suffering, any suffering matters. He stressed that no animal should have to suffer and no veterinarian should be forced to decide whether suffering is extreme.

Senator Watters followed up by asking there is a sufficient definition in the statute for “suffering.”

Commissioner Jasper responded that determining suffering should be left to the medical judgment of the veterinarian.

Kurt Ehrenburg, Humane World

- He spoke in opposition to the legislation, stating that it adds barriers to effectively supporting animal welfare. He argued that it could delay timely intervention and exclude key stakeholders from the process.

- He raised concerns that the bill could lead to unnecessary euthanasia and eliminate life-saving options. He noted that removing humane societies from the process would also eliminate access to resources such as free veterinary care, supplies, and transportation.
- He questioned how the state would offset these costs if they are no longer covered, particularly beyond euthanasia-related expenses. He criticized the proposed \$5,000 cost threshold as arbitrary, suggesting it could result in animals being euthanized prematurely.
- He emphasized that under existing law, livestock seizures involve veterinary oversight, and that citizen reports are common due to the prevalence of livestock.
- He stated that expert intervention supports both animal welfare and fair enforcement, and argued that weakening these tools does not improve due process but instead strains public resources. He stated that the bill lacks clear direction.

Senator Watters noted that they serve on the commission together and asked if it would be fair to say that the commission works hard on training for police departments that do not have dedicated animal control officers.

Mr. Ehrenbrug agreed, saying that it is true. He noted that the state has come a long way in discussing the need for more training and expanded animal control. He added that many towns still do not have credentialed animal control officers. He echoed the need for a humane society to help and be involved in these cases.

Senator Watters asked another question regarding custody, noting that the bill could disrupt a cooperative system that has provided expertise to local departments.

Mr. Ehrenbrug agreed, stating that such disruption would be a huge disservice both to the community and to the animals.

Senator Watters asked about the role of the state veterinarian or their designee, noting that the state vet has historically been reluctant to be on call because of the capacity.

Mr. Ehrenburg responded that he would defer to the state veterinarian to answer that question.

Michelle Murch, NHSPCA Equine Manager

- Ms. Murch said the NHSPCA expressed strong opposition to the bill. She also claimed that their organization holds a livestock license as a licensed humane society, so they should be included in the process. She is also an investigator for the humane Society despite many who say that is not defined in law.
- She noted that the legislation removes them from their role in the process and prevents them from participating in investigations. This restriction also affects other humane organizations that are “non-government” agencies.

- She spoke about her experience investigating cases involving livestock, describing the often-gruesome situations she has encountered. She emphasized that the State Veterinarian cannot intervene in every case and it is important for humane organization to be involved.
- She questioned who would guide officers who have never handled livestock cases, noting that the bill removes trained personnel from assisting local enforcement agencies. She added that most situations they encounter involve backyard farmers rather than commercial operations.

Senator Watters asked about the designee issue and both the amendment and the original bill, it says the state veterinarian or designee. Is it understood that the designee could be a humane society.

Ms. Murch she could serve as a designee and had been told that. However, she questioned why she would be chosen if she is not a licensed veterinarian. She emphasized that licensed veterinarians are trained to assess all types of animals and can determine whether an animal is in danger. She also asked who would be responsible for maintaining the ongoing list of designees.

Senator Watters noted that the amendment specifies on line 24 that action may be taken when the owner or caretaker is not present, and he asked for her opinion on that clarification.

Ms. Murch responded that animals can be seized if they are suffering. Under current law, animals may also be seized with a warrant, so in her view, they would be seized either way.

Senator Watters then asked about current practices and requested that she elaborate on the distinction being made. He explained that farmers are generally taking good care of their animals, and that the discussion is instead focused on individuals who keep what he referred to as “companion livestock” animals.

Ms. Murch said she may have been called 4 times in the past five years to commercial farms and the claims were unfounded.

Senator Watters stated that by exempting livestock, many cases she would previously have been involved in would no longer include her, as those animals would now be grouped under the livestock category. He asked for her opinion on that effect.

Ms. Murch explained that they always work with law enforcement, but law enforcement does not always have the capacity to conduct the initial investigation. In those situations, humane societies are typically called in. Under the proposed change, she said, that would no longer be possible. Instead, law enforcement would be required to respond, potentially encountering animals without having the expertise to determine whether they are in distress. She added that this shift would place a greater burden on law enforcement and remove the involvement of trained professionals with the necessary expertise to properly assess animal welfare.

Senator Pearl clarified that the designee role and the current process would remain in place. As he interprets the bill, that is the intent. Law enforcement would still be able to contact a humane organization if the state veterinarian is unavailable.

Ms. Murch asked whether that provision appears in the original bill or in the amendment, noting that the original bill specified a “non-governmental” employee. She said that no non-governmental employee can participate in any part of the investigation. She said it is on Page 3, line 31 of the bill.

Senator Watters suggested that the language could be revised to specify who may be designated, including a “duly licensed humane society”, as a way to allow such organizations to serve as designees.

Ms. Murch responded that humane societies had already been removed from that section.

Senator Rosenwald asked about the issue of mandatory euthanasia. She stated that while veterinarians are qualified to diagnose and treat animals, she does not believe they are qualified to interpret state agency rules related to cost. She noted that, as written, the legislation requires veterinarians to determine both whether an animal is suffering and whether the cost of treatment exceeds the amount allowed under Rule 3504.01. She asked whether this places a burden on veterinarians that goes beyond their education, training, and experience.

Ms. Murch agreed that it could but said that it should not be for them to decide. She added that it should be the Police say “this is the dollar amount that you have to spend” which would be unfortunate. She was unsure how it would ultimately be addressed.

Senator Rosenwald asked whether the process should be revised so that veterinarians are not responsible for both determinations; One within their professional competence and another outside their education, training, experience, and licensure.

Ms. Murch agreed and responded that additional language is needed to clearly define how that determination would be made.

Patricia Morris

- She stated that she is opposed to the bill as written.
- She noted that the commission has been making significant progress and questioned what the state could be doing better, suggesting that the bill, as drafted, is patchwork and not where it needs to be.
- She expressed concern that shifting responsibility to the state veterinarian adds another hurdle to the process, particularly requiring a veterinarian or designee in order to seize animals.
- She suggested that adoption or voluntary surrender may be better approaches in some cases.

- Regarding the amendment, she raised concerns about the 7–10 day timeline to bring charges, arguing that charges should be filed as appropriate without being constrained by a strict timeline. She added that investigations should not be subject to a fixed timeframe.
- She also discussed concerns about the designee role, noting the potential for bias.

Henry Ahern, Plymouth

- He noted that he raises deer and expressed support for the bill.
- He emphasized the importance of having a qualified designee or veterinarian involved in the process, ideally one who is familiar with the animals and understands the differences between species.
- He raised concerns about prior legislation, suggesting that some nonprofit or humane societies may benefit financially from confiscations, and said this should be taken into consideration. He underscored the impact on farmers' livelihoods.

Lisa Dennison, President of NHSPCA

- She spoke in opposition to the legislation.
- She stated that she has already assisted 36 towns this year with animal confiscations, emphasizing that these efforts result in financial losses rather than serving as fundraising opportunities.
- She argued that the bill ignores the realities of how animal welfare cases are handled. Law enforcement, she said, relies heavily on nonprofit organizations, and the removal of humane agencies would be detrimental.
- She noted that these organizations regularly provide training and assistance, and that their removal would mean a loss of critical expertise.
- She added that most cases take approximately 18 months to reach resolution.
- She emphasized that these are critical components of the system, warning that without the expertise and involvement of nonprofit humane organizations, animals will suffer and may die.

Senator Watters asked for her opinion on confiscation under the bill and whether it would be advisable to amend lines 30–31 to explicitly include “or duly licensed humane society” in the process.

Ms. Dennison responded that such language should be added to the bill, noting that humane societies play an important assisting role.

Senator Watters also asked whether rabbits would be considered livestock under the bill.

Ms. Dennison confirmed that, as written, the bill classifies rabbits as livestock.

Joyce Brady, NH Farm Bureau President

- She emphasized that significant effort has gone into this issue, with the goal of improving and clarifying the process of whom has the authority to make the determinations.
- She stated that the intent is not to remove resources, but to ensure proper authority and clear leadership at the top of investigations.
- She noted that the term “designee” is broad and they are aware that if case is called in northern Coos County, the State vet may not get there, but a designee can. It is up to the State Vet to use resources.

Senator Watters asked whether, based on her testimony, the designee could include a duly licensed humane society representative.

Ms. Brady responded that a designee is anyone the state veterinarian deems appropriate. She added that creating a “laundry list” of potential designees would add unnecessary verbiage and complicate the bill. She said keeping it as simply “designee” leaves the decision to the state veterinarian.

Donna Lee-Woods, Hickory Nut Farm

- She spoke about her farm, recounting an incident in which a person entered her property while she was not home. The NHSPCA subsequently came and confiscated her animals.
- She stated that because of the NHSPCA visit, they and the Lee Police came and seized her animals and said if she didn’t sign a waiver, they would arrest her. She said she was in complete shock.
- She stated that they took some of her animal’s others she was told need to be euthanized. killed. She provided a packet documenting the alleged cruelty of her animals.
- She noted that 54 goats were taken, and 22 of them were killed by the NHSPCA despite all the goats being taken care of daily and in good health. She said they offered them back to her at a price of \$40,000.

Senator Watters asked if there were any ongoing legal proceedings.

Ms. Lee-Woods confirmed that there are and that she is actively working on filing a case.

Robert Johnson, NH Farm Bureau

- He expressed support for both the bill and the amendment Senator Pearl brought forward.
- He noted that two sections of the bill, on page 3, remove the authority of humane society officers, emphasizing that because this falls under the criminal code, the seizure of an animal should be carried out by a law enforcement officer.
- He explained that the state veterinarian, or a designated representative, should serve as the primary authority or the “gatekeeper”. If the state veterinarian is unavailable, a licensed veterinarian or qualified staff member or individual with

appropriate expertise could make the determination if deemed the “designee” by the State Vet.

- He recommended several changes to clarify these provisions because it was not the intent to exclude anyone.

Senator Watters asked what changes to the language he would recommend and where they should be added.

Mr. Johnson suggested inserting additional language after the phrase “the veterinarian, or designee, or an employee of a government agency.” He recommended adding wording such as “and/or any individual authorized by the previous list” or similar language to that effect.

Senator Avar asked about the previous testimony and how his bill would help a situation such as that one.

Mr. Johnson stated that he was familiar with the previous situation and knew when it occurred. He said he had heard from multiple specialists who had been working with the individual involved, and that they were not consulted at the time of the incident. He added that the state veterinarian was also not consulted. He noted that a member of the bureau had been on-site but was ignored, and emphasized that the expertise and “gatekeeping” role of the state veterinarian is extremely important.

Senator Avar then referenced the issue of euthanasia, noting that a significant number of animals were euthanized in the previous speaker’s testimony, despite others emphasizing the need to protect animals against euthanasia.

Charles Cox, Local Farmer

- He spoke about his background and experience with the situation, expressing concern about intimidation and the uncertainty caused by people entering properties and threatening livelihoods.
- He noted that while the bill has been thoughtfully developed and may still need a few adjustments, it should ultimately be implemented for the greater good.

Chief Suckling, Alexandria

- He said that he has been working on this issue for years with all the legislators and stakeholders.
- He emphasized that a single incident is not representative of overall operations. He noted that the SPCA has been very helpful in addressing related concerns to his department.
- He said he worked with Senator Pearl to get the amendment together and it seemed that all the stakeholders were in agreement on the language.

Senator Watters asked about the designee provision and whether it would include a law enforcement officer or a licensed humane society representative, and whether that is how it should be interpreted.

The Chief responded that this is how he interprets it, but noted that he would defer to the commissioner to address that concern.

Commissioner Jasper, Department of Agriculture

- Commissioner Jasper stated that the Department of Agriculture does not license humane societies and said he does not understand why so many Humane organizations refer to themselves that way.

Senator Watters asked why that language appears in statute, noting that it is clearly included.

Commissioner Jasper responded that he does not know why it is in the statute, explaining that it was put in place decades ago and does not have a current, meaningful function and suggest it be taken out of statute.

- He stated that the department issues specific licenses, clarifying that humane societies are not among the entities they license, only as pet vendors.
- He spoke about the situation involving Hickory Nut Farm and Donna Lee-Woods, describing it as an upsetting incident. He said that, in his view, the animals were not in danger at the farm but were placed in that situation by the humane society.
- He referenced potential legal recourse when animals are seized without an arrest and described his conversations with police, noting that it was unfamiliar territory for them in that situation.
- He discussed the surrender of animals, emphasizing that livestock are not the same as lifelong companion pets. It is difficult for the Law enforcement and State Veterinarians to distinguish between the two.
- He clarified that the intent is not to remove humane societies entirely from the process, but rather to exclude them from investigations that are legal in nature and, in his view, not appropriate for their involvement.
- He said that if a humane organization is receiving animals from a situation , they should not be a part of the decision process. He added that not all individuals affiliated with humane societies are qualified to make such determinations.
- He also stated that in the Lee case, his staff were ignored because the police department relied on the humane organization rather than the designee of the state veterinarian.

Senator Pearl noted that in the amendment, he included language requiring adoption to be approved by the owner, which he believed was essentially equivalent to a “surrender,” and asked whether he agreed.

Commissioner Jasper added that adoption typically involves a longer process, whereas surrender can be decided more quickly.

- He continued and said that there is already a legal process in place and that they assist law enforcement whenever the police deem it necessary. When an arrest is made and an animal is seized, they are involved as part of that process. However, they believe their involvement should also be clearly established in cases where an animal is seized without an arrest, and they support adding language to confirm that.
- He referred to an issue raised at the Humane Commission regarding concerns that an individual who merely makes or relays a phone call to the police could be considered part of an investigation. He asked the committee to include clarifying language to address this point.
- He also raised the concern about potential scare tactic, questioning whether humane organizations are seeking a role in the decision-making process and whether that involvement is appropriate. He raised the issue of whether, in cases of neglect, such organizations might decline to take in animals if they were not involved in the investigatory process.
- He referenced a recent situation in which a humane society charged \$18,000 in veterinary fees over a six-hour period for animals that had been confiscated. He added that the humane society would not release the animals until the \$18,000 veterinary bill was paid. Because no arrest had been made, there was no legal case, and the police had no authority over the organization's actions, highlighting a potential issue with the excessive charges and control over the animals.

Senator Watters asked whether the animals in Lee had been confiscated under the authority of the Lee Police.

Commissioner Jasper clarified that they were under the authority of Police but were taken by the Humane Society.

Senator Watters then inquired about the provision in the bill that eliminates the state veterinarian position when the commissioner is gone, and whether everyone was comfortable with that provision.

Commissioner Jasper responded that it would not be an issue because he now has an assistant commissioner.

Senator Watters asked about the fiscal note, noting that he believed it was \$200,000, particularly related to the increased responsibilities of the veterinarian. He asked for confirmation that these are the issues the committee would see reflected in the fiscal note.

Commissioner Jasper said yes, and added that if his amendment is adopted, they've been threatened that every time there is a complaint, they will get a call, even if there was no confiscation. He said that if notifications are limited only to cases where there is a confiscation, they do not believe there will be any fiscal impact.

Senator Rosenwald asked about current law regarding the requirement that courts give cases of livestock confiscation priority on the court calendar within 14 days. She noted that it had been described as current law, but also appears as a new paragraph in the bill, and asked for clarification.

Commissioner Jasper said he could not speak to that specifically. He did recall the language giving such cases priority, but did not have an opinion on it and understood the reasoning behind it.

Senator Rosenwald said she would like to hear from the judicial branch regarding what impact this might have on the system.

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Date Hearing Report completed: April 7, 2026