

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**HB 1438**, enabling mental health caseworkers to report instances of animal abuse by their clients.

**Hearing Date:** April 9, 2026

**Time Opened:** 1:45 p.m.

**Time Closed:** 2:18 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, Altschiller and Reardon

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill enables mental health caseworkers to report instances of animal abuse by their clients.

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**Sponsors:**

Rep. Read

Rep. Booras

Rep. Lloyd

Rep. Wheeler

Rep. D. Kelley

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**Who supports the bill:** 28 Individuals signed in support of the bill. For a complete list of those who signed in support please contact the Judiciary Committee Aide.

**Who opposes the bill:** Tami Lanzillo Zeimetz.

**Who is neutral on the bill:** Deanna Jurius (OPLC).

**Summary of the testimony presented:**

**Representative Ellen Reed** introduced House Bill 1438. She stated that the bill allows licensed mental health professionals, including clinical mental health counselors, social workers, pastoral psychotherapists, and marriage and family therapists, to report suspected animal abuse.

- She explained that the bill was brought to her by a therapist who had heard repeated and severe accounts of animal cruelty from clients, including descriptions such as kittens being beaten with iron rods.
- She stated that therapists are currently unable to report this abuse due to HIPAA restrictions, but clarified that HIPAA explicitly allows disclosures when authorized by state law. She explained that New Hampshire law already creates

similar exceptions for reporting child abuse, elder abuse, and other violent crimes, but does not currently include animal abuse.

- She stated that the therapist who approached her consulted with other professionals and national and state associations and found no issues in states where similar laws exist.
- She explained that the law exists in at least 12 states, with variation between mandatory and permissive reporting. She listed states with mandatory reporting as Louisiana, Nebraska, West Virginia, Tennessee, and Illinois, and states with permissive reporting as Oregon, Maine, California, New York, and Ohio.
- She explained that permissive reporting allows therapists to use discretion in determining whether the information shared by a client is reliable.
- She walked through the bill language, explaining that section one allows licensed professionals to report in good faith if they know or suspect animal cruelty, neglect, exploitation, or hazardous living conditions based on client disclosures.
- She explained that section two provides that the duty is discharged upon reporting and protects against monetary liability, and section three protects against liability related to client confidentiality, mirroring existing statutory language for child abuse reporting protections.
- She stated that the bill was originally drafted as mandatory reporting but was amended by the House to permissive reporting. She stated that she would support returning it to mandatory reporting or expanding it to additional professions such as psychologists if the Senate chose to do so, but emphasized that the current version represents the minimum request.
- She argued that the bill is important not only for protecting animals but because of the well documented link between animal cruelty and violence against humans.
- She stated that the psychology underlying abuse of animals is the same as that underlying abuse of vulnerable people, including women, children, and the elderly, and that animal abuse often represents the beginning of an escalation pattern that can lead to serious violence or murder.
- She referenced prior legislation she introduced criminalizing cruelty to wildlife and recounted testimony from a woman describing a boy who abused animals as a child and later became Terry Rasmussen. She emphasized that early intervention during animal abuse can prevent escalation.
- She cited statistics from an organization known as “The Link,” stating that 70% of domestic violence cases and nearly 90% of child abuse cases involve animal

abuse, and that 70% of animal cruelty investigations uncover human violence. She stated that individuals who abuse animals are more likely to commit lethal violence against humans.

- She added that half of domestic violence victims delay leaving abusive situations due to concern for pets, and that children exposed to animal abuse are more likely to commit abuse later in life and are linked to school violence. She concluded that mental health professionals are uniquely positioned to identify and report these patterns and urged passage of the bill.

**Representative Diane Kelley** testified in support of the bill. She stated that she represents Hillsborough District 32 and is a co-sponsor. She explained that the bill allows mental health professionals to report animal abuse without fear of liability for breaching confidentiality.

- She emphasized that professionals may currently hear credible disclosures of abuse but remain silent due to lack of legal protection.
- She stated that the bill provides legal protection for reporting suspected cruelty, neglect, or exploitation and aligns New Hampshire with other states. She emphasized that the bill does not mandate reporting but removes barriers to doing so. She stated that she personally supports mandatory reporting but believes permissive reporting is still a meaningful improvement.
- She emphasized the broader importance of the issue, stating that animal abuse is closely tied to domestic violence and child abuse. She described how victims may remain in abusive situations due to concern for pets and stated that abuse of animals is part of a broader pattern of control and harm within households.
- She stated that mental health professionals are uniquely positioned to detect these patterns because of the confidential nature of their relationships with clients.
- She explained that disclosures of animal abuse provide a window into potentially dangerous situations and that current law prevents professionals from acting on that information. She stated that the bill removes liability concerns and allows professionals to act in accordance with their judgment and ethics.
- She emphasized that the bill is modest, does not impose mandates, and simply provides legal protection for reporting.

**Kevin Blanchette** testified in support. He identified himself as a licensed clinical mental health counselor and stated that throughout his career he has encountered

numerous instances where clients disclosed animal abuse or neglect. He stated that he could provide many examples but focused on two cases, one involving neglect and one involving abuse.

- He described a case where a client unintentionally neglected a pet due to lack of resources and capacity. He stated that reporting could have connected the client with resources but that he did not report due to legal uncertainty.
- He later discovered significant self neglect in the home and was able to intervene through human neglect reporting, but stated that earlier intervention through animal reporting could have provided help sooner.
- He stated that he has spoken with many counselors and that support for the bill is widespread. He noted that the National Association of Social Workers in New Hampshire has taken a neutral position.
- He described a case relayed by another counselor who reported animal abuse without realizing the legal ambiguity, which led to discovery of child abuse and intervention for both children and animals.
- He stated that he has never reported animal abuse due to legal uncertainty and has been advised by supervisors, directors, and legal teams that the issue is unclear and risky under HIPAA. He stated that clearer statutory authority would allow professionals to act appropriately.
- He expressed a preference for mandatory reporting, stating that permissive reporting requires individual judgment that may introduce bias and inconsistency, while mandatory reporting provides ethical consistency. He stated that even under permissive systems, professional ethics still guide decision making.
- He raised concern about the use of the word “duty” in a permissive framework, stating that it creates inconsistency and should be revised.
- Senator Abbas asked about the language in lines 9 to 15 and whether the duty is only discharged upon reporting, creating inconsistency if reporting is optional.
  - Blanchette responded that changing the word “duty” would reduce confusion.
- Senator Abbas asked whether adding language referencing compliance with ethical codes could resolve the issue.
  - Blanchette responded that it might but stated he is not a legal expert.

**Kurt Ehrenberg** testified in support. He stated that the bill protects animals, domestic violence victims, and children and helps prevent future violent crime. He expressed support and readiness to answer questions.

- Senator Altschiller asked whether the bill should be placed under the duty to warn statute rather than creating a new section.
  - Ehrenberg responded that he would defer to the committee's judgment but agreed the concept is important.

**Deanna Jurius** Executive Director of the Office of Professional Licensure and Certification testified neutrally and stated the office takes no position but offered considerations.

- She stated that the bill creates a two tiered system because it applies only to certain licensed professionals and excludes others such as psychologists, APRNs, and alcohol and drug counselors licensed under different boards.
- She noted that mental health care often involves team based treatment, and differing reporting rules could create confusion. She stated that if the bill were made mandatory, enforcement mechanisms would need to be considered, including which entity would enforce reporting and how compliance would be tracked.
- She raised concern about reporting to non governmental entities such as the SPCA, noting that unlike DCYF, these entities do not have defined statutory obligations, making the reporting structure less clear.
- Senator Reardon asked whether additional professions could be included by referencing other statutes.
  - Deanna Jurius responded that doing so could create confusion because the bill is located in RSA 330-A, which governs mental health practice, and professionals licensed under other boards would not necessarily look there.
  - She explained that some professionals hold licenses under multiple boards, which could result in conflicting obligations depending on which license applies.
- Senator Abbas asked about ethical rules and whether they are set by the department.
  - Deanna Jurius responded that ethics come from a combination of statute, administrative rule, and professional organizations.

- Senator Abbas stated that the language appears to create a situation where a duty is discharged upon reporting, while ethical rules do not mandate disclosure of confidential information. He expressed concern that this could create a conflict between professional ethics and statutory requirements and stated uncertainty about whether the bill clearly resolves that issue.
  - Deanna Jurius responded that rules would be updated to align with statute if necessary.
- Senator Altschiller asked whether the issue could be addressed under the duty to warn statute, noting that animals are considered property in New Hampshire and that threats to property can be reported.
  - Deanna Jurius responded that ambiguity increases risk and that the proposed structure could create confusion.
- Senator Altschiller further asked whether, in situations involving dual licensure under different statutory chapters, a professional could face risk to another license if this bill does not explicitly reference those other chapters, and expressed concern about professionals being placed in a position where compliance with one statute could create liability under another.
  - Deanna Jurius responded that she did not want to speculate but could foresee this possibly becoming a concern.
  - She also said she would consider pets to be real property but she was not sure about other wildlife.
- Senator Reardon asked a statutory construction question, noting that under duty to warn statutes, the law imposes an obligation on certain licensed professionals to report threats, often to a non-state entity such as local law enforcement, but does not necessarily impose a corresponding statutory duty on the receiving entity to act. She asked whether, when creating a reporting obligation in statute, it is necessary to also define what the receiving entity must do with that information.
  - Deanna Jurius responded that the senator's understanding is correct and agreed that reporting obligations do not always carry corresponding duties for the recipient.
  - She stated that while law enforcement agencies have their own procedures and obligations for handling reports, those are governed elsewhere and not necessarily tied to the reporting statute itself, and she indicated that determining policy changes on that side would be outside her expertise.

- Senator Reardon followed up by asking whether, in situations where one licensing board is required to report information to another board, statutory changes typically require corresponding updates to the receiving board's statute or whether the obligation can exist independently.
  - Deanna Jurius responded that it depends on the context, explaining that in many cases statutes impose obligations on one party to provide notice or information without imposing any obligation on the receiving party to act. She provided an example from her own responsibilities, noting that she is required to provide notice of rulemaking to affected parties, but those parties are not obligated to take any action in response.
  - She stated that this type of structure is common and not inherently unreasonable, though it can create confusion when expectations differ between the reporting and receiving parties.

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Date Hearing Report completed: April 13, 2026