

Amendment to SB 569-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to animal cruelty and establishing a commission to study certain
4 language applicable to the transfer of animals.
5

6 Amend RSA 437:1 as inserted by section 2 of the bill by replacing it with the following:

7
8 437:1 Definitions. In this subdivision:

9 I. "Animal rescue facility" means any non-profit organization which is tax exempt under
10 Section 501(c)(3) of the United States Internal Revenue Code or is licensed or registered as an
11 animal rescue facility or similar entity with a state regulatory agency, and whose mission and
12 practice is, in whole or in significant part, the rescue of homeless or abandoned animals and the
13 placement of those animals in permanent homes. "Animal rescue facility" shall not include any
14 person which is, or is housed on the premises of, a breeder or broker, obtains dogs, cats, or ferrets
15 from a breeder or broker in exchange for payment or compensation, or resells dogs, cats, or ferrets
16 obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

17 II. "Animal shelter facility" means a facility, including the building and the immediate
18 surrounding area, which is used to house or contain animals and which is owned, operated, and
19 maintained by a duly incorporated humane society, animal welfare society, society for the
20 prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection,
21 and humane treatment of animals, and also a public pound for the housing of strays or a pound
22 operated by any person, excluding veterinarians, who contracts with a municipality to serve that
23 function.

24 III. "Breeding female" means an unspayed female dog, 12 months of age or older kept or
25 maintained for the purpose of breeding and selling the dog's offspring.

26 IV. "Broker" means a person acting as an agent or intermediary in negotiating or
27 transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire.

28 V. "Commercial kennel" means a person that keeps, maintains, or owns 7 or more breeding
29 female dogs or transfers 10 or more litters or 50 or more puppies in any 12-month period.
30 "Commercial kennel" includes a person that keeps, maintains, or owns dogs on the same property as
31 another person who also keeps, maintains, or owns dogs and the total number of breeding female
32 dogs on the property is 7 or more. The term "commercial" shall not be taken into consideration for
33 any zoning purposes.

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VI. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

VII. "Person" means any person, firm, business, corporation, or other entity.

VIII. "Pet store" means any person licensed to keep, maintain, and transfer certain live animals, birds, and fish at retail to the public.

IX. "Pet vendor" means any person engaged in the business of transferring live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire. Pet vendor includes animal rescue facilities, animal shelter facilities, brokers, commercial kennels, and pet stores.

X. "Transfer" means transfer of ownership of live animals or birds from any person to a member of the public.

Amend the introductory paragraph of RSA 437:3 as inserted by section 3 of the bill by replacing it with the following:

437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. The application shall be accompanied by a non-refundable \$200 fee. ***A license shall be issued if, after inspection, the department or a person appointed by the department finds that all premises, buildings, and other enclosures comply with the requirements of paragraph I. If the premises, buildings, and other enclosures do not comply, the applicant may reapply within 30 days of the initial inspection. If, after a second application and inspection, the premises, buildings, and other enclosures still do not comply with the requirements of paragraph I, no license shall be issued.*** All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. ***The department may suspend or revoke a license at any time, if in the judgment of the department the conditions under which the license was issued are not being maintained. Upon receipt of a written complaint from a person or agency alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time.*** A pet vendor licensed under this subdivision shall:

Amend RSA 437:4, I(d) and (e) as inserted by section 4 of the bill by replacing them with the following:

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1 ~~[IV.]~~ **(d)** The licensee ceased to operate the business for which the license was issued; or
2 ~~[V.]~~ **(e)** The applicant or licensee held any similar license issued in another jurisdiction **or**
3 **by the United States Department of Agriculture** which was revoked or suspended by that
4 jurisdiction as a result of engaging in conduct prohibited by RSA 437 during the preceding 5 years.

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6 Amend RSA 644:8, IV-b(d) as inserted by section 10 of the bill by replacing it with the following:

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8 (d) If the court determines by a preponderance of the evidence that the animal or
9 animals has been or is being abused or neglected in violation of paragraph III or III-a or when there
10 is a clear and imminent danger to the animal's health or life and there is not sufficient time to
11 obtain a court order, then the court shall set a renewable bond or other security in an amount
12 sufficient to cover the reasonable costs of providing the confiscated animal with humane care and
13 adequate and necessary veterinary services for a period of 30 days. When determining the
14 reasonable costs of providing humane care, the court shall consider the income of the animal's
15 owner.

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17 Amend RSA 644:8, IV-b(e)(1) as inserted by section 10 of the bill by replacing it with the following:

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19 (e)(1) If the court orders a bond or other security to be posted, then the amount of funds
20 necessary for 30 days of the animal's care, as determined by the court, shall be posted with the
21 municipal or county treasurer. The owner shall be ordered to deposit the same amount every 30
22 days thereafter until the final disposition of the criminal matter, unless he or she requests a
23 hearing no less than 5 business days prior to the expiration of a 30-day period. If the required
24 funds are not deposited within 5 business days of the issuance of the order setting the amount of
25 funds, or 5 business days after the expiration of a 30-day period, then the animal is forfeited to the
26 petitioner by operation of law. If the owner is unable to pay the bond, the court shall not fine the
27 owner for nonpayment.

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29 Amend the bill by replacing section 11 with the following:

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31 11 Appropriation. In addition to any sums appropriated in the state operating budget, the sum
32 of \$200,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the commissioner of
33 the department of agriculture, markets, and food, to support the increase in oversight and
34 inspections of pet vendors. The governor is authorized to draw a warrant for said sum out of any
35 money in the treasury not otherwise appropriated.

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1 Amend the bill by replacing all after section 11 with the following:

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3 12 Group Licenses. Amend RSA 466:6, I to read as follows:

4 I. The owner or keeper of [5] 7 or more dogs shall annually by April 30 pay the required fee
5 and obtain a license authorizing the owner or keeper to keep the dogs upon the premises described
6 in the license, or off the premises while under such owner's or keeper's control. Such owner or
7 keeper shall not be required to obtain a "commercial kennel" license under RSA 466:4, III unless
8 such person has a commercial kennel as defined under RSA 466:4, III.

9 13 New Paragraph; Group Licenses. Amend RSA 466:6 by inserting after paragraph V the
10 following new paragraph:

11 VI. On June 1st of each year, the municipality shall, to the extent practicable, notify the
12 department of agriculture, markets, and food of the number of group licenses issued in the previous
13 year.

14 14 New Subdivision; Animal Transfer Study Commission. Amend RSA 437 by inserting after
15 section 22 the following new subdivision:

16 Animal Transfer Study Commission

17 437:23 Animal Transfer Study Commission.

18 I. There is established a commission to study RSA 437:1 as it pertains to the definition of
19 "in the business of transferring live animals or birds customarily used as household pets to the
20 public."

21 II. The members of the commission shall be as follows:

22 (a) One member of the senate, appointed by the president of the senate.

23 (b) One member of the house of representatives who is a member of the environment
24 and agriculture committee, appointed by the speaker of the house of representatives.

25 (c) The commissioner of the department of agriculture, markets, and food, or designee.

26 (d) One member representing dog owner and breeder interests, appointed by the
27 governor.

28 (e) One member representing a humane organization, appointed by the governor.

29 (f) One member representing an animal rescue organization subject to RSA 437:1,
30 appointed by the governor.

31 (g) One member representing pet stores, appointed by the governor.

32 (h) The attorney general, or designee.

33 (i) One member from the New Hampshire Veterinary Medical Association, appointed by
34 that organization.

35 III. Legislative members of the commission shall receive mileage at the legislative rate
36 when attending to the duties of the commission.

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1 IV. The commission shall study and make clarifying recommendations for the phrase "in
2 the business of transferring animals" as it applies to licensed pet vendors under RSA 437:1.

3 V. The members of the study commission shall elect a chairperson from among the
4 members. The first meeting of the commission shall be called by the senate member. The first
5 meeting of the commission shall be held within 45 days of the effective date of this section. Four
6 members of the commission shall constitute a quorum.

7 VI. The commission shall report its findings and any recommendations for proposed
8 legislation to the chairperson of the senate energy and natural resources committee, the
9 chairperson of the house environment and agriculture committee, the senate clerk, the house clerk,
10 and the state library on or before November 1, 2018.

11 15 Repeal. RSA 437:23, relative to the animal transfer study commission, is repealed.

12 16 Effective Date.

13 I. Sections 1-13 of this act shall take effect January 1, 2019.

14 II. Section 15 of this act shall take effect November 1, 2018.

15 III. The remainder of this act shall take effect upon its passage.

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2018-0720s

AMENDED ANALYSIS

This bill:

- I. Defines "breeding female" for dogs.
- II. Requires inspection of premises before issuance of a license to transfer animals or birds.
- III. Allows the suspension or revocation of a license to transfer animals or birds if conditions under which the license was issued are not maintained.
- IV. Allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care.
- V. Makes an appropriation to the department of agriculture, markets, and food to increase oversight of pet vendors.
- VI. Establishes a commission to study certain language applicable to the transfer of animals.