

Amendment to HB 1627-FN

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

2
3 AN ACT creating an animal records database.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the
8 following new sections:

9 437:8-a Animal Records Database Established.

10 I. The department of agriculture, markets, and food shall design, establish, and contract
11 with a third party for the implementation and operation of an electronic system to facilitate the
12 handling of animal records. The department shall maintain a statewide database of all health
13 certificates for any dog, cat, or ferret for which it is required; records of all rabies vaccinations;
14 records of quarantine for any animal brought into New Hampshire for transfer under RSA 437:8, IV;
15 any records required of pet vendors for the transfer of any animal that is not a dog, cat, or ferret;
16 license information for pet vendors required to be licensed under RSA 437:3, and the number of
17 individual and group licenses issued each year by each municipality in New Hampshire under RSA
18 466.

19 II. Such database may also be used to record other data relevant to the oversight of pet
20 animal health in the state as the commissioner deems necessary.

21 III. The department shall maintain a reporting system capable of receiving electronically
22 transmitted reports from veterinarians, pet vendors, animal shelters, and any other person the
23 department requires by rule to submit animal records. Authorized users shall be capable of working
24 in offline mode when an Internet connection is not available. The commissioner shall adopt rules
25 under RSA 541-A to govern methods of obtaining, compiling, and maintaining such information it
26 deems necessary to manage such database including procedures for providing authorized access by
27 licensed veterinarians, municipal clerks, and other persons the commissioner requires to access to
28 the database. The commissioner shall also adopt rules pursuant to RSA 541-A relative to the
29 collection of fees necessary to maintain the database. The commissioner shall also ensure that the
30 database is secure from unauthorized access or use.

31 IV. There is established a nonlapsing fund to be known as the animal records database fund
32 in the department of agriculture, markets, and food which shall be kept distinct and separate from

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all other funds. All moneys in the animal records database fund shall be nonlapsing and continually appropriated to the commissioner for the purpose of administering and maintaining the animal records database established in this section. When it is anticipated that there will not be sufficient funds in the animal records database fund to administer and maintain the animal records database, the commissioner is authorized to transfer funds from the agricultural product and scale testing fund established under RSA 435:20, IV and the pesticides control fund under RSA 430:34, V.

437:8-b Confidentiality.

I. Information contained in the database, information obtained from it, and information contained in the records of requests for information from the database, shall be confidential, and shall not be a public record or otherwise subject to disclosure under RSA 91-A, and shall not be subject to discovery, subpoena, or other means of legal compulsion for release. Such information shall not be shared with an agency or institution, except as provided in this subdivision.

II. The department shall establish and maintain procedures to ensure the privacy and confidentiality of animal and animal owner information.

III. The department may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified.

IV. No database records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

V. Database records, information, or lists may be made available pursuant to a court order on a case-by-case basis. In a case of potential rabies exposure, rabies vaccination information may be made available in response to a request from the state, a political subdivision of the state, the federal government, or a law enforcement agency solely for use in official business. Any information, record, or list received pursuant to this paragraph shall not be transferred or otherwise made available to any other person or listed entity not authorized under this paragraph.

VI. Any person who knowingly accesses, alters, destroys, or discloses program information except as authorized in this subdivision or attempts to obtain such information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony.

2 Transfer Authorized. The commissioner of the department of agriculture, markets, and food is authorized to transfer funds to and from the following funds in order to establish the animal records database:

I. The agricultural product and scale testing fund established under RSA 435:20, IV.

II. The pesticides control fund under RSA 430:34, V.

III. The animal records database fund under RSA 437:8-a, IV.

3 Health Certificates; Fee. Amend RSA 437:8 to read as follows:

437:8 Health Certificates for Dogs, Cats, and Ferrets.

1 I. For purposes of this chapter, an official health certificate means ~~[a certificate signed]~~ **an**
2 **electronic record electronically submitted to the animal records database** by a licensed
3 veterinarian, containing the name and address of the entity transferring ownership of the dog, cat,
4 or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical
5 description of the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or
6 ferret is free from evidence of communicable diseases or internal or external parasites. A list of all
7 vaccines and medication administered to the dog, cat, or ferret shall be included ~~[on or attached to]~~
8 **in the certificate. The signing veterinarian shall pay a fee not to exceed \$2 for each official**
9 **health certificate submitted to the department of agriculture, markets, and food in**
10 **accordance with rules established by the department for the submission of the health**
11 **certificates for the administration of the animal records database.**

12 II. **The electronically submitted health certificate shall be considered the official**
13 **health certificate. A physical copy of the health certificate of** ~~[The original of the official~~
14 ~~health certificate accompanying]~~ the dog, cat, or ferret offered for transfer by a licensee shall be kept
15 on the premises where dogs, cats, and ferrets are displayed, and made available for inspection by the
16 department, local officials, or a member of the public upon request up to one year after the animal
17 has left the facility. The public shall be informed of their right to inspect the health certificate for
18 each dog, cat, or ferret by a sign prominently displayed in the area where dogs, cats, or ferrets are
19 displayed. Upon transfer of a dog, cat, or ferret, **a physical copy of** that animal's health certificate
20 shall be given to the transferee in addition to any other documents which are customarily delivered
21 to the transferee. ~~[The transferee may accept a dog, cat, or ferret that has a noncontagious illness,~~
22 ~~or feline leukemia virus or feline immunodeficiency virus, which has caused it to fail its examination~~
23 ~~by a licensed veterinarian for an official health certificate. The transferee shall sign a waiver that~~
24 ~~indicates the transferee has knowledge of such dog, cat, or ferret's noncontagious medical condition~~
25 ~~and then submit such waiver to the licensee who shall send a copy to the state veterinarian.]~~

26 **II-a. For purposes of this chapter, an official health certificate waiver means an**
27 **electronic record electronically submitted to the animal records database provided in lieu**
28 **of an official health certificate for a dog, cat, or ferret that has failed the examination for**
29 **an official health certificate because of a non-contagious illness, feline leukemia, or feline**
30 **immunodeficiency virus. The waiver shall contain the name and address of the entity**
31 **transferring ownership of the dog, cat, or ferret; the age, gender, breed, microchip number,**
32 **tattoo number, ear tag number, or physical description of the dog, cat, or ferret; the reason**
33 **for failure of the examination for the official health certificate; and the signature of the**
34 **transferee indicating that the transferee has knowledge of the dog's, cat's, or ferret's non-**
35 **contagious medical condition. A list of all vaccines and medication administered to the**
36 **dog, cat, or ferret shall be included in the health certificate waiver. The waiver shall be**
37 **submitted electronically to the animal records database by a New Hampshire licensed**

1 *veterinarian, a New Hampshire licensed pet vendor, or other person authorized to submit*
2 *to the animal records database. The person submitting the health certificate waiver shall*
3 *pay a fee not to exceed \$2 for each official health certificate waiver submitted to the*
4 *department of agriculture, markets, and foods in accordance with rules established by the*
5 *commissioner for the administration of the animal records database. Payments shall be*
6 *made electronically.*

7 III. No person, firm, corporation, or other entity shall ship or bring into the state of New
8 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8
9 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or
10 ferret less than 8 weeks of age.

11 IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at
12 least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian
13 separated from other animals on the premises before being offered for transfer.

14 V. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements of
15 this section relative to transferring dogs, cats, and ferrets except that:

16 (a) All animal shelter facilities shall have on premises a microchip scanner and shall
17 maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or
18 microchip registries.

19 (b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos,
20 ear tags, or other permanent forms of positive identification and shall scan for a microchip upon
21 admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to
22 transferring ownership of an unclaimed or abandoned animal.

23 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
24 without first being protected against infectious diseases using a vaccine approved by the state
25 veterinarian. ~~[No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual~~
26 ~~unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer~~
27 ~~shall occur unless the transferred animal is accompanied by a health certificate issued within the~~
28 ~~prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing~~
29 ~~veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be~~
30 ~~given to the transferee upon transfer as provided in paragraph III.]~~ *No dog, cat, or ferret shall be*
31 *offered for transfer by a licensee or by any individual unless accompanied by a physical*
32 *copy of the official health certificate or official health certificate waiver issued by a*
33 *licensed veterinarian within the prior 14 days. No transfer shall occur unless the*
34 *transferred animal is accompanied by a physical copy of the official health certificate or*
35 *official health certificate waiver. The official health certificate shall reside in the animal*
36 *records database in a record which the issuing veterinarian and the licensee shall be*
37 *authorized to access. A physical copy, printed by the veterinarian or the licensee shall be*

1 ***provided to the transferee. The transferor shall retain a physical copy for his or her***
2 ***records.*** If an official health certificate is produced, it shall be prima facie evidence of transfer.
3 ~~[The signing veterinarian shall provide a copy of the health certificate to the department of~~
4 ~~agriculture, markets, and food upon request.]~~

5 4 Duties of Veterinarian; Notification of Administration of Rabies Vaccine. Amend RSA 436:102
6 to read as follows:

7 436:102 Duties of Veterinarian. It shall be the duty of each veterinarian, at the time of
8 vaccinating any dog, cat, or ferret, to complete a certificate of rabies vaccination ~~[in triplicate]~~ which
9 includes the following information: owner's name and address, description of dog, cat, or ferret
10 (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies
11 vaccine administered, manufacturer's serial number of vaccine, and the expiration date of the
12 vaccination. ~~[Distribution of copies of the certificate shall be: the original to the owner, one copy~~
13 ~~retained by the issuing veterinarian and, within 40 days of the vaccination, one copy to the town or~~
14 ~~city clerk where the dog, cat, or ferret is kept. The veterinarian and the owner shall retain their~~
15 ~~copies for the interval between vaccinations specified in RSA 436:100.]~~ ***The veterinarian shall***
16 ***enter the rabies vaccine certificate information electronically into the animal records***
17 ***database, and generate a physical copy for the owner, who shall retain that copy for the***
18 ***interval between vaccinations specified in RSA 436:100. The department shall provide city***
19 ***and town clerks access to database records of vaccination for all dogs, cats, and ferrets***
20 ***within their jurisdiction.*** A metal or durable plastic tag, serially numbered, shall be securely
21 attached to the collar or harness of the dog. Whenever the dog is out-of-doors, off the owner's
22 premises, and not under the control of the owner or handler while working the dog, the collar or
23 harness with the vaccination tag shall be worn. For the purposes of this section, "working the dog"
24 means a dog doing a defined functional canine activity with its owner or handler such as hunting,
25 field work, drafting, and guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4),
26 or participating in any lawful competitive event, including, but not limited to, conformation shows or
27 obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to
28 functional canine activities. Cats and ferrets shall not be required to wear the collar or harness with
29 the tag.

30 5 Cost; Rabies Vaccination Fee. Amend RSA 436:103 to read as follows:

31 436:103 Cost. The cost of rabies vaccination shall be paid by the owner of the dog, cat, or ferret.
32 ***A fee not to exceed \$2 shall be included in the cost of such vaccinations and shall be***
33 ***submitted to the department of agriculture, markets, and food in accordance with rules***
34 ***established by the department for submission of the vaccination certificate required in***
35 ***RSA 436:102 for the administration of the animal records database.***

36 6 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after
37 subparagraph (358) the following new subparagraph:

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1 (359) Moneys deposited in the animal records database fund established in RSA
2 437:8-a, IV.

3 7 Applicability. Sections 3-5 of this act shall take effect 90 days after the commissioner of the
4 department of agriculture, markets, and food certifies to the director of the office of legislative
5 services and the secretary of state that the animal records database established in RSA 437:8-a is
6 completed and operational.

7 8 Effective Date.

8 I. Sections 3-5 of this act shall take effect as provided in section 7 of this act.

9 II. The remainder of this act shall take effect upon its passage.

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2020-0435h

AMENDED ANALYSIS

This bill:

- I. Creates a database for animal health records.
- II. Authorizes the commissioner of the department of agriculture, markets, and foods to transfer money from certain funds.
- III. Establishes a fee on the submission of animal health certificates.
- IV. Establishes a fee on rabies vaccinations.
- V. Requires veterinarians to send a copy of the rabies vaccination certificate to the department of agriculture, markets, and food.