

Transfer of Animals and Birds

437:1 Definitions. In this subdivision:

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

II. "Commercial kennel" means any person, business, corporation, or other entity that transfers 10 or more litters or 50 or more puppies in any 12-month period.

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

IV. "Pet vendor" means any person, firm, corporation, or other entity 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.

V. "Transfer" means transfer of ownership of live animals or birds from any person, firm, corporation, or other entity to a member of the public.

437:2 Declaration of Policy. This subdivision establishes standards for the regulation of animal health that are consistent with the pattern established throughout statute by the general court. Animal health regulation shall focus either on those conditions that pose a threat to public health or that would require regulatory intervention to protect the economy of the state, or both.

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. 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. A pet vendor licensed under this subdivision shall:

I. Maintain in a clean and sanitary condition all premises, buildings, and other enclosures used in the business of dealing in live animals or birds customarily used as household pets.

II. Submit premises, buildings and other enclosures to unannounced inspection by department employees or local animal control, law enforcement, or health officials at reasonable times.

III. Maintain, subject to inspection by the commissioner, his or her agent, local officials, law enforcement, or any member of the public, a proper record in which all live animals or birds customarily used as household pets obtained or transferred shall be listed, giving the breed, date

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1 the animal was obtained and transferred, and from whom the animal or bird was obtained and to
2 whom the animal was transferred. Such record shall also show the microchip, leg band, or tattoo
3 number of each animal or bird, where applicable. Animals or birds that do not bear such
4 identification shall be identified by recording markings, a physical description and any other
5 information as the commissioner deems necessary to identify such animals or birds.

6 IV. Keep records of all animals or birds intended for transfer indicating identification, point
7 of origin, and recipient, and shall submit said records to the commissioner upon request.

8 V. Abide by such other rules as the commissioner may adopt to control disease.

9 437:4 Refusal to Issue; Revocation of License. The commissioner, after notice to the licensee
10 and opportunity for hearing, as set forth in the rules adopted under RSA 437:10, may deny an
11 application or revoke a license for any of the following reasons:

12 I. The applicant or licensee violated the statutes of the state of New Hampshire or of the
13 United States or any rule adopted by the commissioner pursuant to this chapter;

14 II. The applicant made false or misleading statements in his or her application for a license;

15 III. The licensee knowingly transferred any animal affected with a communicable disease
16 except as allowed under RSA 437:5 and RSA 437:8, IV;

17 IV. The licensee ceased to operate the business for which the license was issued; or

18 V. The applicant or licensee held any similar license issued in another jurisdiction, revoked
19 or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA 437, during
20 the preceding 5 years.

21 437:5 Prohibition. No licensee under this subdivision shall transfer, other than to a qualified
22 veterinarian or licensed animal shelter facility, any maimed, sick, or diseased animal or bird other
23 than as permitted under RSA 437:8, IV nor shall any licensee treat inhumanely any animal or bird
24 in his or her care or possession or under his or her control.

25 437:6 Health Management; Dogs, Cats, and Ferrets.

26 I. Medical treatment and use of controlled drugs on any animal or bird under the care or
27 possession or under the control of any licensee other than a veterinarian may be administered only
28 under the direction and supervision of a veterinarian for the purposes of this subdivision.

29 II. Within 14 days of transfer, the transferee of a dog, cat, or ferret from a licensee may
30 have the dog, cat, or ferret examined by a licensed veterinarian selected by the transferee and,
31 unless said examination indicates the dog, cat, or ferret to be free of disease, the transferee shall be
32 entitled to substitution or, at the transferee's option, a full refund of the purchase price of the dog,
33 cat, or ferret, if applicable, upon return of the dog, cat, or ferret to the licensee within 2 business
34 days of said examination, accompanied by the veterinarian's statement that the animal is not free of
35 disease.

36 437:7 Exceptions. The license provisions of this subdivision shall not apply to breeders of dogs
37 that do not meet the definition of commercial kennel in RSA 437:1, veterinarians, or the transfer of
38 livestock or poultry.

1 437:8 Health Certificates for Dogs, Cats, and Ferrets.

2 I. No dog, cat, or ferret shall be transferred by any person, whether or not they hold a
3 license under this subdivision, to a member of the public without the dog, cat, or ferret first being
4 inoculated against infectious diseases using a vaccine approved by the state veterinarian. No dog,
5 cat, or ferret shall be transferred by any person, whether or not they hold a license under this
6 subdivision, to a member of the public unless the dog, car, or ferret is accompanied by an official
7 health certificate issued by a licensed veterinarian within 14 days. Said certificate shall be in
8 triplicate, one copy of which shall be retained by the issuing veterinarian, one copy of which shall be
9 for the licensee's records, and one copy of which shall be given to the transferee upon transfer as
10 provided in paragraph II. If an official health certificate is produced, it shall be prima facie
11 evidence of transfer.

12 II. An animal shall be exempt from the health certificate requirement in RSA 437:8, I when
13 such animal is relinquished by a New Hampshire resident or municipality to an animal shelter or
14 rescue registered with the department of justice, charitable trusts unit that owns, operates and
15 maintains the premises on which the animal will be housed in New Hampshire; a public pound
16 operated by a New Hampshire municipality; or a facility operated by any person, excluding
17 veterinarians, who contracts with a New Hampshire municipality to serve that function. In order
18 to qualify for the exemption, the facility:

19 (a) Shall have on premises a microchip scanner and shall maintain a file of recognized
20 pet retrieval agencies including but not limited to national tattoo or microchip registries.

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

24 (c) Shall comply with all other provisions of RSA 437.

25 III. For purposes of this chapter, an official health certificate means a certificate signed by
26 a licensed veterinarian, containing the name and address of the entity transferring ownership of
27 the dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or
28 physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog,
29 cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list
30 of all vaccines and medication administered to the dog, cat, or ferret shall be included on or
31 attached to the certificate.

32 IV. The original of the official health certificate accompanying the dog, cat, or ferret offered
33 for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed,
34 and made available for inspection by the department, local officials, or a member of the public upon
35 request up to one year after the animal has left the facility. The public shall be informed of their
36 right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in
37 the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, that
38 animal's health certificate shall be given to the transferee in addition to any other documents which

1 are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has
2 a noncontagious illness, or feline leukemia virus or feline immunodeficiency virus, which has
3 caused it to fail its examination by a licensed veterinarian for an official health certificate under
4 paragraph I. The transferee shall sign a waiver that indicates the transferee has knowledge of such
5 dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee
6 who shall send a copy to the state veterinarian.

7 V. 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 VI. 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
13 veterinarian separated from other animals on the premises before being offered for transfer.

14 437:9 Enforcement. The commissioner of agriculture, markets, and food, local animal control
15 officials, law enforcement officials, or local health officials shall independently have authority to
16 enforce the provisions of this subdivision and any rules established thereunder.

17 437:10 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A,
18 relative to:

19 I. The information required from an applicant for a license as a pet vendor;

20 II. The health and sanitation standards to effectuate the purposes of this subdivision;

21 III. Information required to be maintained in records of pet vendors regarding identifying
22 features of animals or birds obtained and transferred;

23 IV. Notice and hearing on the refusal to issue or the revocation of a license; and

24 V. Any other matter the commissioner may deem necessary to carry out the provisions of
25 this subdivision.

26 437:11 Penalty.

27 I. Any pet vendor who transfers live animals or birds customarily used as household pets in
28 this state without having a license to do so as required by this chapter shall be guilty of a
29 misdemeanor.

30 II. In addition to the penalty under paragraph I, any pet vendor who violates any of the
31 provisions of this subdivision or rule adopted under it may be subject to an administrative fine
32 levied by the commissioner, not to exceed \$1,000 for each violation.

33 12 Department of Agriculture; Pet Vendors; Cross Reference Changed. Amend RSA 437:22, I to
34 read as follows:

35 I. It shall be unlawful for any agent acting on behalf of an animal shelter facility as defined
36 in ~~[RSA 437:2, I]~~ **RSA 437:1, I**, or an animal care center as defined in RSA 437:18, III, to give,
37 release, sell, trade or transfer with or without a fee any live animal brought, caught, detained,
38 obtained or procured by any means, to any association, corporation, individual, educational
institution, laboratory, medical facility, or anyone else, for the purpose of experimentation or vivisection.