

156:233 Department of Agriculture; Pet Vending. RSA 437:1 through RSA 437:13-a are repealed and reenacted to read as follows:

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

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

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

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

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

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

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

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

V. The applicant or licensee held any similar license issued in another jurisdiction which was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA 437 during the preceding 5 years.

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

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

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

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

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

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

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

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

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

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

437:9 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

- I. The information required from an applicant for a license as a pet vendor;
- II. The health and sanitation standards to effectuate the purposes of this subdivision;
- III. Information required to be maintained in records of pet vendors regarding identifying features of animals or birds obtained and transferred;
- IV. Notice and hearing on the refusal to issue or the revocation of a license; and
- V. Any other matter the commissioner may deem necessary to carry out the provisions of this subdivision.

437:10 Penalty.

- I. Any pet vendor who transfers live animals or birds customarily used as household pets in this state without having a license to do so as required by this chapter shall be guilty of a misdemeanor.
- II. In addition to the penalty under paragraph I, any pet vendor who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

156:234 Department of Agriculture; Pet Vendors; Cross Reference Changed. Amend RSA 437:22, I to read as follows:

- I. It shall be unlawful for any agent acting on behalf of an animal shelter facility as defined in [~~RSA 437:2, I~~] **RSA 437:1, I**, or an animal care center as defined in RSA 437:18, III, to give, release, sell, trade or transfer with or without a fee any live animal brought, caught, detained, 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.