

HB 532-FN - AS INTRODUCED

2021 SESSION

21-0386

08/10

HOUSE BILL                    ***532-FN***

AN ACT                    creating an animal records database.

SPONSORS:            Rep. Bixby, Straf. 17

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill:

I. Creates a database for animal health records.

II. Authorizes the commissioner of the department of agriculture, markets, and food to transfer money to and from certain funds in order to establish the animal record database and to repay monies transferred from other funds. This bill does not require the commissioner to fully reimburse the other 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.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough]~~.  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                    creating an animal records database.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

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

3            437:8-a Animal Records Database Established.

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

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

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

25            IV. There is established a nonlapsing fund to be known as the animal records database fund  
26 in the department of agriculture, markets, and food which shall be kept distinct and separate from  
27 all other funds. All moneys in the animal records database fund shall be nonlapsing and continually  
28 appropriated to the commissioner, and except as otherwise provided in law, shall be used for the  
29 purpose of administering and maintaining the animal records database established in this section.  
30 The database fund shall draw moneys only from grants, appropriations, and the fees in RSA 437:8-a.

V. Notwithstanding paragraph IV, the fund shall be initiated by transfers from the agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA 435:20,V-a, and the integrated pest management fund established under RSA 430:50, as provided in RSA 430:50, IV-a. After the animal records database is operational, the commissioner may reimburse first the integrated pest management fund, and then the agricultural product and scale testing fund, over a period of 5 years as provided in RSA 435:20, V-b and RSA 430:50, IV-b.

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

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

I. For purposes of this chapter, an official health certificate means ~~[a certificate signed]~~ **an electronic record electronically submitted to the animal records database** 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]~~

1 *in the certificate. The signing veterinarian shall pay a fee not to exceed \$2 for each official*  
 2 *health certificate submitted to the department of agriculture, markets, and food in*  
 3 *accordance with rules established by the department for the submission of the health*  
 4 *certificates for the administration of the animal records database.*

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

19 II-a. *For purposes of this chapter, an official health certificate waiver means an*  
 20 *electronic record electronically submitted to the animal records database provided in lieu*  
 21 *of an official health certificate for a dog, cat, or ferret that has failed the examination for*  
 22 *an official health certificate because of a non-contagious illness, feline leukemia, or feline*  
 23 *immunodeficiency virus. The waiver shall contain the name and address of the entity*  
 24 *transferring ownership of the dog, cat, or ferret; the age, gender, breed, microchip number,*  
 25 *tattoo number, ear tag number, or physical description of the dog, cat, or ferret; the reason*  
 26 *for failure of the examination for the official health certificate; and the signature of the*  
 27 *transferee indicating that the transferee has knowledge of the dog's, cat's, or ferret's non-*  
 28 *contagious medical condition. A list of all vaccines and medication administered to the*  
 29 *dog, cat, or ferret shall be included in the health certificate waiver. The waiver shall be*  
 30 *submitted electronically to the animal records database by a New Hampshire licensed*  
 31 *veterinarian, a New Hampshire licensed pet vendor, or other person authorized to submit*  
 32 *to the animal records database. The person submitting the health certificate waiver shall*  
 33 *pay a fee not to exceed \$2 for each official health certificate waiver submitted to the*  
 34 *department of agriculture, markets, and food in accordance with rules established by the*  
 35 *commissioner for the administration of the animal records database. Payments shall be*  
 36 *made electronically.*

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

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

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

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

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

17          VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
18     without first being protected against infectious diseases using a vaccine approved by the state  
19     veterinarian. ~~[No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual~~  
20     ~~unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer~~  
21     ~~shall occur unless the transferred animal is accompanied by a health certificate issued within the~~  
22     ~~prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing~~  
23     ~~veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be~~  
24     ~~given to the transferee upon transfer as provided in paragraph III.]~~ ***No dog, cat, or ferret shall be***  
25     ***offered for transfer by a licensee or by any individual unless accompanied by a copy of the***  
26     ***official health certificate or official health certificate waiver issued by a licensed***  
27     ***veterinarian within the prior 14 days. No transfer shall occur unless the transferred***  
28     ***animal is accompanied by a copy of the official health certificate or official health***  
29     ***certificate waiver. The official health certificate shall reside in the animal records***  
30     ***database in a record which the issuing veterinarian and the licensee shall be authorized to***  
31     ***access. A copy, generated by the veterinarian or the licensee, shall be provided to the***  
32     ***transferee. The transferor shall retain a copy for his or her records.*** If an official health  
33     certificate is produced, it shall be prima facie evidence of transfer. ~~[The signing veterinarian shall~~  
34     ~~provide a copy of the health certificate to the department of agriculture, markets, and food upon~~  
35     ~~request.]~~

36          3 Duties of Veterinarian; Notification of Administration of Rabies Vaccine. Amend RSA 436:102  
37     to read as follows:

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

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

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

5 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

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

6 New Paragraphs; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend RSA 435:20 by inserting after paragraph IV the following new paragraphs:

V-a. The commissioner shall transfer funds from the agricultural product and scale testing fund established under RSA 435:20, IV to the animal records database fund established in RSA 437:8-a to develop and make operational the animal records database. The commissioner shall

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1 certify to the secretary of state and the director of the office of legislative services the date on which  
2 the animal records database is operational. For 2 years after such certification, if needed for  
3 database operation and maintenance, the commissioner may continue to transfer additional funds  
4 from the agricultural product and scale testing fund to the animal records database fund for this  
5 purpose.

6 V-b. After the animal records database is operational, for the purpose of reimbursement, the  
7 commissioner may transfer funds back to the agricultural product and scale testing fund for a period  
8 of 5 years from the date of certification, employing any surplus over the ongoing cost of database  
9 operation and maintenance. All transfers shall end 5 years after certification, whether or not  
10 reimbursement is completed.

11 7 New Paragraphs; Integrated Pest Management Fund; Transfer Authority. Amend RSA 430:50  
12 by inserting after paragraph III the following new paragraphs:

13 IV-a. The commissioner shall transfer funds from the integrated pest management fund  
14 established in this section to the animal records database fund established in RSA 437:8-a to develop  
15 and make operational the animal records database. The commissioner shall certify to the secretary  
16 of state and the director of the office of legislative services the date on which the animal records  
17 database is operational. For 2 years after such certification, if needed for database operation and  
18 maintenance, the commissioner may continue to transfer additional funds from the integrated pest  
19 management fund to the animal records database fund for this purpose.

20 IV-b. After the animal records database is operational, for the purpose of reimbursement,  
21 the commissioner is authorized to transfer funds back to the integrated pest management fund for a  
22 period of 5 years from the date of certification, employing any surplus over the ongoing cost of data  
23 base operation and maintenance. All transfers shall end 5 years after certification, whether or not  
24 reimbursement is completed.

25 8 Repeal. The following are repealed:

26 I. RSA 430:50, IV-a, relative to the authority of the commissioner of the department of  
27 agriculture, markets, and food to transfer funds from the integrated pest management fund.

28 II. RSA 430:50, IV-b, relative to the authority of the commissioner of the department of  
29 agriculture, markets, and food to transfer funds to the integrated pest management fund.

30 III. RSA 435:20, V-a, relative to the authority of the commissioner of the department of  
31 agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund.

32 IV. RSA 435:20, V-b, relative to the authority of the commissioner of the department of  
33 agriculture, markets, and food to transfer funds to the agricultural product and scale testing fund.

34 V. RSA 437:8-a, V, relative to the authority of the commissioner of the department of  
35 agriculture, markets, and food to transfer funds to and from the animal records database fund.

36 9 Applicability.

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1           I. Sections 2-4 of this act shall take effect 90 days after the commissioner of the department  
2 of agriculture, markets, and food certifies to the secretary of state and the director of the office of  
3 legislative services that the animal records database established in RSA 437:8-a is operational.

4           II. Paragraphs I and III of section 8 of this act shall take effect 2 years from the date on  
5 which the commissioner of the department of agriculture, markets, and food certifies to the secretary  
6 of state and the director of the office of legislative services, that the animal records database  
7 established in RSA 437:8-a is operational.

8           III. Paragraphs II, IV, and V of section 8 of this act, shall take effect 5 years from the date  
9 on which the commissioner of the department of agriculture, markets, and food certifies to the  
10 secretary of state and the director of the office of legislative services, that the animal records  
11 database established in RSA 437:8-a is operational.

12       10 Effective Date.

13           I. Sections 2-4 of this act shall take effect as provided in paragraph I of section 9 of this act.

14           II. Paragraphs I and III of section 8 of this act shall take effect as provided in paragraph II  
15 of section 9 of this act.

16           III. Paragraphs II, IV, and V of section 8 of this act shall take effect as provided in  
17 paragraph III of section 9 of this act.

18           IV. The remainder of this act shall take effect upon its passage.



**HB 532-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT creating an animal records database.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☐ Local                    ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$325,000
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Agricultural product and scale testing fund, pesticides control fund and fee revenue, animal records database fund			

**METHODOLOGY:**

This bill creates a database for animal health records and authorizes the commissioner of the Department of Agriculture, Markets, and Food to transfer money to and from certain funds in order to establish the animal record database and to repay monies transferred from other funds. This bill does not require the commissioner to fully reimburse the other funds. The bill establishes a \$2 fee on the submission of animal health certificates and a fee on rabies vaccinations. The bill also requires veterinarians to send a copy of the rabies vaccination certificate to the Department.

The Department of Agriculture, Markets and Food makes the following assumptions regarding the fiscal impact of this bill:

- Based on data available from the American Veterinary Medical Association regarding pet ownership, the Department estimates over 45,000 health certificates will be issued annually.
- Regarding the annual rabies vaccine, the Department estimates 77,733 dogs and 110,400 cats are vaccinated each year, for a total of about 188,000 vaccines annually. The Department assumes the fee for vaccines will be \$1.25.
- Based on the above, the Department estimates the annual revenue to the animal health records database from the new fees will be \$325,000 (45,000 health certificates x \$2, plus 188,000 rabies vaccines x \$1.25)

- A maximum of 2.5 existing full-time staff would be committed to this work. Any work beyond those resources would not get done without additional resources.
- Collection of all fees will be electronic, as part of the database functionality.
- The Department assumes the intent is for electronic submission of all files directly into the database since there are no new positions included for data entry or record maintenance and there is no requirement for the Department to retain hard copy records.
- Dog licensing and animal control will remain local responsibilities and the submission of rabies vaccines to the health records database is intended to improve efficiency of the process by allowing town clerks to access the records for animals within their zip code.
- Based on discussions with possible vendors, the database would cost between \$675,000 and \$1,000,000 for the initial purchase and \$300,000 for annual maintenance. The Department assumes, once the bill becomes effective, a minimum of 24 months would be required for implementation.
- Based on communications with the Division of Vital Records, the Department assumes a minimum of one full-time project manager with IT experience will be needed to oversee design and implementation of the animal health certificate database.

The bill also provides that any person who knowingly accesses, alters, destroys, or discloses program information (except as authorized in the bill), or attempts to obtain such information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony. There is no information available on how many additional felony cases may be brought as a result of this bill, but the Judicial Branch has provide cost estimates for felony cases. The estimated average cost to the Judicial Branch of a simple criminal case is \$309 for fiscal years 2021 and 2022. The estimated average cost for a routine criminal felony case is \$494. These amounts do not include the cost of possible appeals. It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing time for the these cases.

It is assumed any fiscal impact would occur after July1, 2021

#### **AGENCIES CONTACTED:**

Department of Agriculture, Markets and Food and Judicial Branch