

Adopt Agr 4100 to read as follows:

CHAPTER Agr 4100 ELECTRONIC ANIMAL RECORDS SYSTEM

Statutory authority RSA 437:8-a

PART Agr 4101 PURPOSE

Agr 4101.01 Purpose. This rule implements the Animal Records Database created by RSA 437:8-a, which directs the department of agriculture, markets, and food to establish and contract with a third party for the implementation and operation of an electronic system to facilitate the handling of animal records.

PART Agr 4102 DEFINITIONS

Agr 4102.01 Definitions.

- (a) "Commissioner" means "commissioner" as defined in RSA 425:3.
- (b) "Department" means the New Hampshire department of agriculture, markets, and food.
- (c) "Transfer" means "transfer" as defined in RSA 437:1, V.
- (d) "Official certificate of transfer" means "official certificate of transfer" as defined in RSA 437:8, I.
- (e) "Official certificate of transfer waiver" means "official certificate of transfer waiver" as defined in RSA 437:8, III.
- (f) "Animal shelter facility," means "animal shelter facility" as defined in RSA 437:1.
- (g) "Pet vendor" means "pet vendor" as defined in RSA 437:1, IV.
- (h) "Fund" means "fund" as defined in RSA 437:8-a,V.
- (i) "Program manager" means the person designated by the commissioner to oversee the implementation and operation of the program by the program vendor.
- (j) "Program vendor" means a third party with which the department contracts for the implementation and operation of the program.

PART Agr 4103 PET TRANSFER PROCESS

Agr 4103.01 Certificates of Transfer for Dogs, Cats and Ferrets

(a) An official certificate of transfer shall be created for each individual dog, cat, or ferret being transferred from one owner to another-within the state animal records database by a New Hampshire licensed veterinarian or submitted by other means pursuant to an electronic filing waiver under Agr 4104.02.

(b) The New Hampshire licensed veterinarian shall enter the information required by RSA 437:8 and (c) below, for each individual dog, cat, or ferret, as follows:

- (1) Electronically, through direct entry or upload to website at www.statevet.com, unless a waiver is requested and granted in accordance with Agr 4104.02 below; and
 - (2) Whenever information is not entered through a device with appropriate internet connection, all information entered shall be transmitted to the system at least by the close of business on the next business day after the examination was conducted, unless an extension is requested and granted in accordance with Agr 4104.03.
- (c) The official certificate of transfer shall contain the following:
- (1) Name and address of the entity transferring ownership of the dog, cat, or ferret;
 - (2) Age of the dog, cat, or ferret;
 - (3) Gender of the dog, cat, or ferret;
 - (4) Breed of the dog, cat, or ferret;
 - (5) Microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret;
 - (6) A certification by the veterinarian that the dog, cat, or ferret is free from evidence of communicable diseases or internal or external parasites; and
 - (7) A list of all vaccines and medication administered to the dog, cat, or ferret. This list can either be included within or attached to the certificate.

PART Agr 4104 COMPLIANCE, WAIVERS, and EXTENSIONS

Agr 4104.01 Compliance.

- (a) The department shall perform data checks to ensure that the required transfer monitoring information submitted is accurate, complete, and timely.
- (b) The department shall notify the veterinarian:
 - (1) When the veterinarian fails to submit the required official transfer certificate information within the required timeframe;
 - (2) When there are inaccuracies or omissions in the required official transfer certificate information submitted; and
 - (3) When a veterinarian fails to correct any inaccuracies or omissions.
- (c) The certifying veterinarian shall:
 - (1) Correct any failures, inaccuracies, or omissions, within 72 hours of the date of receipt of notice from the department; and

(2) Comply with all provisions of this section or be subject to a referral to the Board of Veterinary Medicine.

Agr 4104.02 Electronic Filing Waivers.

(a) Veterinarians that are unable to submit information electronically shall request an electronic filing waiver from the commissioner.

(b) A waiver request submitted pursuant to (a) above shall:

(1) Demonstrate the basis for an exemption from the requirement of electronic submission; and

(2) Include an alternative method by which the veterinarian will submit the required official transfer certificate information within the time frame specified in Agr 4103.01(b)(1). Alternative methods of submission shall be mutually agreed upon by the veterinarian and the commissioner.

(c) The commissioner shall grant the electronic filing waiver if the requirements in Agr 4104.02(b) are satisfied.

(d) The commissioner shall examine the request for a waiver within 30 days of receipt and notify the requester of any apparent errors or omissions or need for any additional information.

(e) The commissioner shall approve or deny the completed request for a waiver within 60 days of receipt of a complete waiver or the waiver will be automatically granted on the 61st day.

(f) A waiver shall be specific to one licensed veterinarian and non-transferable.

(g) A waiver shall be time-limited, not to exceed the veterinarian's license expiration date.

(h) A waiver shall be subject to revocation if the bases for granting the waiver are determined to be no longer true.

Agr 4104.03 Extensions.

(a) Veterinarians that are unable to submit required information within the required timeframe may request from the commissioner, an extension of the timeframe by telephone or email and confirmed by email from the commissioner.

(b) The commissioner shall allow an extension for as long as the veterinarian is making a good-faith effort to submit the required information, but no longer than 72 hours after the established daily timeframe.

(c) The commissioner shall notify the veterinarian of the decision of extension by email.

(d) Any veterinarian who in good faith reports to the program as required by RSA 437:8 shall be immune from any civil or criminal liability as the result of such good faith reporting.

PART Agr 4105 ACCESS TO ANIMAL RECORDS DATABASE

Agr 4105.01 Confidentiality.

- (a) Confidentiality shall be governed by RSA 437:8-b.
- (b) Information submitted to the animal records database is exempt from public disclosure, and shall not be subject to discovery, subpoena, or other means of legal compulsion for release.
- (c) Database records, information, or lists may be made available pursuant to a court order on a case-by-case basis.
- (d) Disclosure of information to local, state, and federal officials for official investigations such as animal health or pet vendor license is allowed and not public disclosure.
- (e) The program vendor shall ensure electronic data security in its system including procedures to ensure the privacy and confidentiality of animal and animal owner information.

PART Agr 4106 REVIEW AND REPORTING OF ANIMAL RECORDS DATABASE

Agr 4106.01 Review of Program Data.

- (a) The department shall collect and monitor all animal records information required by RSA 437:8-a through software provided by the program vendor.
- (b) The department shall review and evaluate the collected information for errors or completeness.

Agr 4106.02 Reporting of Program Data.

- (a) The department shall notify veterinarians when there are errors or incompleteness in the information filed.
- (b) The department may use and release information and reports from the database for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided the data are aggregated or otherwise de-identified.
- (c) The department shall remove certificates of transfer from the animal records database after 4 years.

APPENDIX

Rule	Specific State Statute the Rule Implements
Agr 4101	RSA 437:2; RSA 437:8; RSA 437:8-a
Agr 4102	RSA 437:2; RSA 437:8-a
Agr 4103	RSA 437:2; RSA 437:8-a; RSA 437:10; RSA 437:13-a
Agr 4104	RSA 437:2; RSA 437:8-a; RSA 437:10; RSA 437:13-a
Agr 4105	RSA 437:2; RSA 437:3; RSA 437:8-a; RSA 437:8-b; RSA 437:10, II
Agr 4106	RSA 437:2; RSA 437:6; RSA 437:8-a