

HB 1627-FN - AS AMENDED BY THE HOUSE

19Feb2020... 0435h

2020 SESSION

20-2371

08/10

HOUSE BILL

1627-FN

AN ACT creating an animal records database.

SPONSORS: Rep. Bixby, Straf. 17; Sen. Bradley, Dist 3

COMMITTEE: Environment and Agriculture

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.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

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 for the purpose of administering and maintaining the animal
29 records database established in this section. When it is anticipated that there will not be sufficient
30 funds in the animal records database fund to administer and maintain the animal records database,

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1 the commissioner is authorized to transfer funds from the agricultural product and scale testing
2 fund established under RSA 435:20, IV and the pesticides control fund under RSA 430:34, V.

3 437:8-b Confidentiality.

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

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

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

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

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

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

25 2 Transfer Authorized. The commissioner of the department of agriculture, markets, and food is
26 authorized to transfer funds to and from the following funds in order to establish the animal records
27 database:

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

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

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

31 3 Health Certificates; Fee. Amend RSA 437:8 to read as follows:

32 437:8 Health Certificates for Dogs, Cats, and Ferrets.

33 I. For purposes of this chapter, an official health certificate means ~~[a certificate signed]~~ **an**
34 **electronic record electronically submitted to the animal records database** by a licensed
35 veterinarian, containing the name and address of the entity transferring ownership of the dog, cat,
36 or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical
37 description of the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or

1 ferret is free from evidence of communicable diseases or internal or external parasites. A list of all
 2 vaccines and medication administered to the dog, cat, or ferret shall be included ~~[on or attached to]~~
 3 *in* the certificate. ***The signing veterinarian shall pay a fee not to exceed \$2 for each official***
 4 ***health certificate submitted to the department of agriculture, markets, and food in***
 5 ***accordance with rules established by the department for the submission of the health***
 6 ***certificates for the administration of the animal records database.***

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

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

1 *commissioner for the administration of the animal records database. Payments shall be*
2 *made electronically.*

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

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

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

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

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

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

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1 4 Duties of Veterinarian; Notification of Administration of Rabies Vaccine. Amend RSA 436:102
2 to read as follows:

3 436:102 Duties of Veterinarian. It shall be the duty of each veterinarian, at the time of
4 vaccinating any dog, cat, or ferret, to complete a certificate of rabies vaccination [~~in triplicate~~] which
5 includes the following information: owner's name and address, description of dog, cat, or ferret
6 (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies
7 vaccine administered, manufacturer's serial number of vaccine, and the expiration date of the
8 vaccination. [~~Distribution of copies of the certificate shall be: the original to the owner, one copy
9 retained by the issuing veterinarian and, within 40 days of the vaccination, one copy to the town or
10 city clerk where the dog, cat, or ferret is kept. The veterinarian and the owner shall retain their
11 copies for the interval between vaccinations specified in RSA 436:100.] ***The veterinarian shall
12 enter the rabies vaccine certificate information electronically into the animal records
13 database, and generate a physical copy for the owner, who shall retain that copy for the
14 interval between vaccinations specified in RSA 436:100. The department shall provide city
15 and town clerks access to database records of vaccination for all dogs, cats, and ferrets
16 within their jurisdiction.*** A metal or durable plastic tag, serially numbered, shall be securely
17 attached to the collar or harness of the dog. Whenever the dog is out-of-doors, off the owner's
18 premises, and not under the control of the owner or handler while working the dog, the collar or
19 harness with the vaccination tag shall be worn. For the purposes of this section, "working the dog"
20 means a dog doing a defined functional canine activity with its owner or handler such as hunting,
21 field work, drafting, and guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4),
22 or participating in any lawful competitive event, including, but not limited to, conformation shows or
23 obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to
24 functional canine activities. Cats and ferrets shall not be required to wear the collar or harness with
25 the tag.~~

26 5 Cost; Rabies Vaccination Fee. Amend RSA 436:103 to read as follows:

27 436:103 Cost. The cost of rabies vaccination shall be paid by the owner of the dog, cat, or ferret.
28 ***A fee not to exceed \$2 shall be included in the cost of such vaccinations and shall be
29 submitted to the department of agriculture, markets, and food in accordance with rules
30 established by the department for submission of the vaccination certificate required in
31 RSA 436:102 for the administration of the animal records database.***

32 6 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after
33 subparagraph (358) the following new subparagraph:

34 (359) Moneys deposited in the animal records database fund established in RSA
35 437:8-a, IV.

36 7 Applicability. Sections 3-5 of this act shall take effect 90 days after the commissioner of the
37 department of agriculture, markets, and food certifies to the director of the office of legislative

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1 services and the secretary of state that the animal records database established in RSA 437:8-a is
2 completed and operational.

3 8 Effective Date.

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

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

**HB 1627-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT creating an animal health certificate database.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$233,000
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<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			

METHODOLOGY:

This bill creates a database for animal transfers and health certificates and authorizes the Commissioner of the Department of Agriculture, Markets and Food to transfer money from the agricultural product and scale testing and pesticide control funds to pay for the database. The bill establishes a \$1 fee on animal health certificates and rabies vaccines and requires veterinarians to send a copy of each rabies vaccine certificate to the Department of Agriculture, Markets and Foods.

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 estimates the annual revenue to the animal health certificate database from the new \$1 fees will be \$233,000 (45,000 health certificates x \$1, plus 188,000 rabies vaccines x \$1)
- The Department does not have existing resources that could be used in support of the bill.

- The Department does not currently have the capacity or personnel with the expertise to collect the anticipated volume of fees or the ability to accept electronic payments. Without personnel to dedicate to collections, the Department assumes an electronic payment system would need to be developed. The cost of such a system is not known at this time.
- The Department assumes, in the absence of new positions, the intent is for electronic submission of all files directly into the database. If health certificates are to be submitted in hard copy form, additional staff would be needed to perform the responsibilities in the bill related health certificates and the animal health certificate database. This work would require 2 additional staff positions for the receipt, review, data entry and filing of an estimated 45,000 health certificates based on processing time of 5 minutes per certificate. The Department does not have the physical space for additional staff or to store the volume of additional hard copy records and would need to find new/additional office space.
- Rabies certificates are currently submitted to by veterinarians to town clerks. If certificates are not submitted directly into the database, submission of hardcopy rabies certificates to the Department would require 8.5 additional staff positions for receipt, review, data entry and filing of an 188,000 health certificates assuming a processing time of 5 minutes per certificate.
- Based on general discussions with possible vendors, a database would cost between \$675,000 and \$1,000,000 for the initial purchase and \$300,000 for annual maintenance. The bill would require implementation of the electronic system within 6 months of the effective date. Due to the time required for a public RFP process, approvals of the Departments of Information Technology, the Department of Justice, the Governor and Executive Council, and the actual development work, the Department assumes the earliest implementation could occur would be July 1, 2022.
- 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.

AGENCIES CONTACTED:

Department of Agriculture, Markets and Food