

Readopt Agr 1701.01, effective 5-21-15 (Document # 10834), cited and to read as follows:

CHAPTER Agr 1700 TRANSFER OF ANIMALS AND BIRDS

Statutory Authority: RSA 437:5

PART Agr 1701 PURPOSE

Agr 1701.01 Purpose. These rules establish standards for the regulation of animal health and welfare that are consistent with the pattern established in statute by the Legislature. Animal health regulation focuses on those conditions that pose a threat to public health, that would require regulatory intervention to protect the economy of the state, or both.

Agr 1701.02 License Required. Any person that transfers the following number of animals customarily used as household pets to the public between July 1 and June 30 of each year shall require a license pursuant to RSA 437:

Readopt with amendment Agr 1701.02, effective 11-20-20 (Document #13132), to read as follows:

- (a) ~~Twenty-five~~ Thirty or more dogs;
- (b) ~~Twenty-five~~ Thirty or more cats;
- (c) Thirty or more ferrets;
- (d) Fifty or more birds;
- (e) Three hundred fifty or more fish;
- (f) Two hundred or more reptiles;
- (g) Two hundred or more amphibians; or
- (h) Two hundred small mammals.

Readopt Agr 1701.03, effective 11-20-20 (Document #13132), to read as follows:

Agr 1701.03 License Exemption for Feeder Fish and Rodents.

(a) Fish and rodents that are typically sold for the purposes of being used to feed other species such as reptiles, amphibians, and carnivorous fish shall not be included in calculating the total numbers in Agr 1701.02.

(b) Any person not licensed pursuant to RSA 437 and selling feeder fish or rodents to a member of the public may have the buyer sign a statement that the fish or rodents being purchased are solely intended for the purposes of feeding. Should the seller not maintain such records, he or she shall obtain a license when the numbers of any category of animal transferred reach the thresholds set forth in Agr 1701.02 (e)-(h).

Readopt with amendment Agr 1702.01, effective 5-21-15 (Document #10834), as amended effective 11-20-20 (Document #13132), cited and to read as follows:

PART Agr 1702 DEFINITIONS

Agr 1702.01 Definitions. As used herein:

- (a) "Animal" means an animal customarily used as a household pet;
- (b) "Bird" means any bird customarily used as a household pet;
- (c) "Broker" means a "pet vendor" as defined in RSA 437:1, IV that does not own or operate a physical facility within New Hampshire;
- (d) "Carapace" means a bony or chitinous case or shield covering the back or part of the back of an animal;
- (e) "Foster facilities" means premises which are not in the business of transferring animals because they house animals solely for medical or behavioral rehabilitation when the animals are owned by a license-holder for another premises;
- (f) "License holder" means any person to whom a license has been issued by the department for a premises used to house, harbor or display animals intended for transfer to the public;
- (g) "Official certificate of transfer" means "official certificate of transfer" as defined in RSA 437:8, I;
- (h) "Official certificate of transfer waiver" means "official certificate of transfer waiver" as defined in RSA 437:8, III;
- (~~g~~i) "Person" means any individual, firm, corporation or other entity engaged in the business of transferring to the public animals customarily used as household pets;
- (~~h~~j) "Primary enclosure" means a ~~four-sided~~ structure with four or more sides that is used as a housing unit for an animal;
- (~~i~~k) "Reasonable times" means the license holder's eight regular, posted open hours between 8 am and 4pm, Monday through Friday, which are subject to unannounced inspection by the department and access to the public for the return of pets in accordance with RSA 437:~~436~~;
- (~~j~~l) "State" means the state of New Hampshire;
- (~~k~~m) "Turtles" means all chelonia, including tortoises and terrapins being sold as household pets; and
- (~~l~~n) "Zoonotic disease" means an illness that is transmissible to humans from animals customarily used as household pets.

Readopt with amendment Agr 1703, effective 5-21-15 (Document #10834), to read as follows:

PART Agr 1703 BIRDS

Agr 1703.01 Importing and Transporting Birds Into the State of New Hampshire.

- (a) No person shall import, transfer, or display any bird in the state from outside of the state until he or she has complied with the requirements of this section and Agr 2100.

(b) Any bird brought into the state for transfer or to be otherwise displayed by any person as defined herein shall be accompanied by a permit issued by the department of agriculture, markets, and food as stated in Agr 2100.

(c) Permits for importation of birds into the state shall be obtained from the New Hampshire department of agriculture, markets and food, division of animal industry, ~~PO Box 2042, Concord, NH 03302-2042~~, One Granite Place South, Suite 211, Concord, NH 03301, telephone: 603-271-2404.

(d) All birds entering the state shall be accompanied by a certificate of veterinary inspection from the state or country of origin.

(e) All certificates required hereunder shall be countersigned by the appropriate regulatory authority of the state or country of origin.

(f) One copy of each certificate shall accompany all shipments of birds.

(g) Certificates required hereunder shall be acceptable only if issued not more than 30 days prior to the date of entry into New Hampshire.

Agr 1703.02 Written Records.

(a) All persons shall keep a written record of all individual transfers of all birds in the state customarily used as household pets.

(b) The record shall include the following information:

- (1) Date of transfer;
- (2) Name and address of transferee; and
- (3) Species and number of birds.

Readopt with amendment and renumber Agr 1704, effective 5-21-15 (Document #10834), as Agr 1704 and Agr 1705 to read as follows:

PART Agr 1704 OPERATING STANDARDS FOR PREMISES LICENSED TO HOUSE, HARBOR, OR DISPLAY ANIMALS IN NEW HAMPSHIRE

Agr 1704.01 Animal Facilities.

(a) Housing for animals shall be:

- (1) Structurally sound; and
- (2) Maintained in good repair to:
 - a. Protect the animals from injury;
 - b. Contain the animals; and
 - c. Prohibit the entrance of other animals.

(b) The facility shall have reliable and adequate electric power, if required to comply with other provisions of this section, and adequate potable water.

(c) Supplies of food and bedding shall be stored in facilities that adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) The following provisions for waste disposal shall be made:

(1) Any waste that would be considered infectious waste under Env-Sw 904.01 shall be stored, treated, transported and disposed of pursuant to Env-Sw 904;

(2) Provision shall be made for the removal and disposal of:

a. Animal and food wastes;

b. Bedding;

c. Dead animals; and

d. Debris; and

(3) Disposal facilities shall be constructed to prevent and ~~operate so as to~~ minimize:

a. Vermin infestation;

b. Odors; and

c. Disease hazards.

(4) Waste shall be removed as often as necessary, but no less than once daily unless otherwise specified in the written animal health program.

Agr 1704.02 Indoor Facilities.

(a) Indoor housing for animals shall comply with the following heating requirements:

(1) Facilities shall be sufficiently heated to:

a. Protect the animals from cold; and

b. Provide for their health and comfort; and

(2) The ambient temperature shall not be allowed to fall below 50 degrees Fahrenheit for animals not acclimated to lower temperatures.

(b) The following provisions shall be made for ventilation:

(1) Indoor housing facilities for animals shall be adequately ventilated to provide humidity control and fresh air exchange;

(2) Such facilities shall be:

a. Provided with fresh air through any combination of:

1. Windows;
2. Doors;
3. Vents; and
4. Air conditioning; and

b. Ventilated so as to minimize:

1. Drafts;
2. Odors; and
3. Moisture condensation; and

(3) Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

(c) Indoor housing facilities for animals shall be illuminated by natural or artificial means, or both, as follows:

(1) Lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period; and

(2) Primary enclosures shall be so placed as to protect the animals from excessive illumination.

(d) The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are impervious to moisture and may be readily sanitized.

(e) If drains are in place, a method of drainage to rapidly eliminate excess water from indoor housing facilities shall be provided as follows:

(1) They shall be constructed pursuant to New Hampshire State Plumbing Codes and kept in good repair to avoid foul odors therefrom; and

(2) If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

Agr 1704.03 Outdoor Facilities.

(a) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.

(b) Animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) The following shall be provided to shelter animals from cold weather:

- (1) Adequate shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below 50 degrees Fahrenheit; and
- (2) Sufficient clean bedding material or other means of protection from the weather elements shall be provided.

Agr 1704.04 Primary Enclosures.

(a) Requirements for primary enclosures for animals shall be as follows:

- (1) Primary enclosures, including the floors, shall be structurally sound and maintained in good repair to:
 - a. Protect the animals from injury;
 - b. Contain them; and
 - c. Keep other animals out;
- (2) Primary enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean, unless the animal lives in water; and
- (3) Primary enclosures shall be constructed and maintained so that the animals contained therein have convenient access to clean food and water.

(b) In addition to the requirements in this section, all primary enclosures housing cats shall have a solid floor and a receptacle or any reasonable substitute containing sufficient clean litter shall be provided to contain excreta.

(c) Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to:

- (1) Turn about freely; and
- (2) Easily stand, sit and lie in a comfortable normal position.

(d) In addition to the requirements in (a) through (c) of this section, additional space requirements shall be provided for dogs as follows:

- (1) In addition to the provisions of Agr 1703.04(c), each dog housed in any primary enclosure shall be provided:
 - a. A minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail plus 6 inches, expressed in square feet, as in the formulas below:

$$(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{Required area in square inches}$$

$$\text{Required area in square inches} = \text{Required square feet of floor space}/144; \text{ and}$$

- b. A primary enclosure containing no more than 4 adult dogs.

(2) If dog houses with chains or tethers are used as a permissible exception to primary enclosures for dogs kept outdoors, the chains or tethers used shall be:

- a. So placed or attached that they cannot become entangled with the chains or tethers of other dogs or any other objects;
- b. Adequately sized and weighted for the size dog involved so as not to prohibit movement while not allowing the dog to break the chain or tether;
- c. Attached to the dog by means of a well fitted non-choking collar or harness;
- d. At least 3 times the length of the dog as measured from the tip of its nose to the base of its tail; and
- e. Allow the dog convenient access to the dog house.

Agr 1704.05 Animal Health and Husbandry Standards.

(a) Animals shall be fed at least twice each day, except as otherwise might be recommended by the supervising veterinarian pursuant to Agr 1704.05 (e) to provide adequate nutrition and veterinary care, as follows:

(1) The food shall be:

- a. Free from contamination;
- b. Palatable to the individual animal; and
- c. Of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal;

(2) Dogs and cats shall use food receptacles, other animals may use food receptacles;

(3) Food receptacles shall be:

- a. Accessible to each animal;
- b. Located so as to minimize contamination by excreta;
- c. Durable and kept clean; and
- d. Sanitized daily;

(4) Disposable food receptacles may be used but shall be discarded after each feeding; and

(5) If self-feeders are used, they:

- a. Shall only be used for the feeding of dry food; and
- b. Shall be sanitized and maintained regularly to prevent:

1. Mold and algae accretion;
2. Deterioration; or
3. Caking of feed.

(b) Potable water shall be accessible to the animals at all times, except as dictated by species, for example, fish, or might otherwise be required to provide adequate veterinary care, as follows:

- (1) Watering receptacles shall be kept clean; and
- (2) They shall be sanitized daily.

(c) The following requirements shall be met for sanitation:

(1) The following shall be required for cleaning of primary enclosures:

a. Excreta shall be removed from primary enclosures as often as necessary, but no less than once daily unless otherwise specified in the written animal health program, to:

1. Prevent contamination of the animals contained therein; and
2. Reduce disease hazards and odors.

b. When a hosing or flushing method is used for cleaning a primary enclosure commonly known as a cage:

1. Any animal contained therein shall be removed from such enclosure during the cleaning process; and
2. Adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes;

(2) Prior to the introduction of animals into empty primary enclosures previously occupied by a different animal, such enclosures shall be sanitized as follows:

a. Primary enclosures ~~animals~~ shall be cleaned and sanitized often enough to prevent an accumulation of debris or excreta or a disease hazard;

b. Cages, rooms and hard-surfaced pens or runs shall be sanitized by:

1. Washing them with hot water and soap or detergent delivered with a machine;
2. Manually washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant; or
3. Cleaning all soiled surfaces with live steam; and

c. Pens or runs using gravel, sand or dirt shall be cleaned by removing the soiled gravel, sand or dirt and replacing it as necessary and spraying the surface with disinfectant in accordance with programs of disease control and prevention required by Agr 1704.05(e);

(3) The building and grounds shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart.

(4) Premises shall remain free of accumulations of trash; and

(5) A program sufficient to prevent and address visible signs of infestation with insects, ectoparasites, and avian and mammalian pests shall be established and maintained. The licensee shall maintain written protocols at the licensed premises for review upon request.

(d) Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(1) Estrous females shall not be housed in the same primary enclosures with males, except for breeding purposes;

(2) Infant animals shall not be housed in the same primary enclosure with adult animals other than their dams, except when permanently maintained in breeding colonies;

(3) Neither dogs nor cats shall be housed in the same primary enclosure with any other species of animals; and

(4) Any animal under quarantine or treatment for a communicable disease shall be separated from any other animals in such a manner as to minimize dissemination of such disease.

(e) Written programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine currently licensed pursuant to RSA 332-B. Including at a minimum the following must be included:

(1) Every animal shall be observed daily by the animal caretaker in charge, or by someone under his or her direct supervision, for the purpose of monitoring health, nutrition and well-being; and

(2) Animals shall be provided with adequate care, up to and including euthanasia if necessary, at the discretion of the supervising veterinarian if they are:

a. Sick or diseased;

b. Injured;

c. Lame; or

d. Acutely blind; and

“(3) Copies of the programs ~~and~~ with the name, date, and signature of the supervising veterinarian shall be on file with the department, in hard copy or electronically, prior to initial licensing or license renewal and shall be re-submitted upon any change in program content or supervising veterinarian.”

~~Agr 1704.06 Official Health Certificate.~~

~~_____ (a) An official health certificate shall be created for each individual dog, cat, or ferret, and shall contain the address of, and be signed by, a licensed veterinarian.~~

~~_____ (b) The signing veterinarian shall certify:~~

~~(1) The date when, and the fact that, a vaccine, approved by the department in accordance with RSA 436:80, has been administered for the purpose of protection against infectious disease; and~~

~~(2) That the dog, cat, or ferret, at the time of his or her examination, was free from visual and physical examination evidence of communicable zoonotic disease, including gastrointestinal, dermatological, and respiratory illness.~~

~~_____ (c) The official health certificate shall also contain:~~

~~(1) The sex, breed and description of the dog, cat, or ferret;~~

~~(2) Date and place of its birth;~~

~~(3) The date of its entry into New Hampshire;~~

~~(4) The date of its acceptance by the licensee;~~

~~(5) A description of the date of and nature of all medication and treatment given by a licensed veterinarian or the animal caretaker or someone under his or her supervision prior to the veterinarian's initial examination and prior to the sale or transfer; and~~

~~(6) An attachment listing all treatments given by the animal caretaker or someone under his or her supervision subsequent to the veterinarian's examination.~~

PART Agr 1705 TRANSFER OF DOGS, CATS, OR FERRETS FROM ONE OWNER TO ANOTHER

Agr 1705.01 Official Certificate of Transfer.

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

_____ (b) The signing veterinarian shall certify:

(1) The date when, and the fact that, a vaccine, approved by the department in accordance with RSA 436:80, has been administered for the purpose of protection against infectious disease; and

(2) That the dog, cat, or ferret, at the time of his or her examination, was free from visual and physical examination evidence of communicable zoonotic disease, including gastrointestinal, dermatological, and respiratory illness.

_____ (c) The official certificate of transfer shall also contain:

(1) Name and address of the entity transferring ownership of the dog, cat or ferret;

(2) The age, gender, and breed of the dog, cat, or ferret;

(3) Microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret;

(4) Date and place of its birth;

(5) Date of its entry into New Hampshire;

(6) Date of its acceptance by the licensee; and

(7) A description of the date of and nature of all medication and treatment given by a licensed veterinarian or the animal caretaker or someone under his or her supervision prior to the veterinarian's initial examination and prior to the sale or transfer.

Agr 1705.02 ~~Agr 1704.07 Notice to Public~~. Additional Requirements for NH Licensees Regarding Transfer of Dogs, Cats, and Ferrets

(a) Notice to Public.

(1) ~~(a)~~ At any premises transferring a dog, cat, or ferret, a sign with minimum dimensions of 14 inches by 18 inches and located at a height of between 4 and 6 feet shall be prominently displayed, together with the licensee's license, in the area where the dogs, cats, or ferrets are displayed. A copy of said language shall also be provided with the animal in a letter or other document at the time of transfer. At any premises not transferring a dog, cat, or ferret, only the posting of the license is required.

(2) ~~(b)~~ The sign shall contain the following information:

a. ~~(4)~~ The words "Buyer's Inspection and Refund" in block letters at least one inch in height; and

b. ~~(2)~~ In easily readable print the following statements:

"Under state law you have the right to inspect the official ~~health~~ certificate of transfer containing a description and medical history of any dog or cat or ferret offered for transfer and to have a copy of such certificate for any animal you may obtain."

"Under state law, within 14 days of transfer, you may have the dog, cat, or ferret examined by a licensed veterinarian of your choice. Unless such exam indicates the animal is free of disease, you may obtain a substitution of a similar animal of equal value or, at your option, a full refund of any money exchanged for the animal, ~~at transfer~~ but only if within 2 business days of such examination you return the diseased animal to the ~~store~~ premises along with a written statement from the veterinarian that the animal was not free from disease."

(b) ~~Agr 1704.08~~ Written Records

(1) ~~(a)~~ Each license holder shall keep a written record of all individual animals entering the licensed premises including:

a. ~~(4)~~ Date of purchase or acceptance;

b. ~~(2)~~ Name and address of seller, consignor or donor; and

c. ~~(3)~~ Species, age, sex and description of animals.

(2) ~~(b)~~ Each license holder shall keep a written record of all transfers of all animals leaving their facilities including:

a. ~~(1)~~ Date of transfer;

b. ~~(2)~~ Name and address of recipient; and

c. ~~(3)~~ Species, age, sex and description of animals.

(3) ~~(e)~~ Records shall be maintained at the facility for a minimum of one year after the date of transfer. Such records shall be available upon demand for inspection at the licensed premises by the department during reasonable times.

(c) ~~Agr 1704.09~~ Rabies vaccination. Animals shall not be allowed to freely roam the facility unless they are currently immunized ~~for~~ against rabies pursuant to RSA 436:100 and are free of visual evidence of communicable ~~zoonotic~~ disease.

Agr 1705.03 ~~Agr 1704.10~~ Foster facilities.

(a) License holders shall assure that foster facilities at which the license holder keeps animals are inspected no less frequently than once a year and that they meet acceptable standards to ensure that the health and safety of the animals are maintained.

(b) Foster facilities shall be used solely for medical or behavioral rehabilitation when a premises already holds a license to house animals. Foster facilities shall not be used as an extension of space for housing the general population of a licensee.

(c) Foster facilities may house animals that are owned by the licensee, but foster facilities shall not own such animals. If the department receives a complaint about a foster facility, the department shall inspect that property as part of the license holder's network and the license holder shall be subject to sanction for any shortcomings which pose a risk to the health and safety of the animals in their network.

(d) Licensees shall maintain a list of current foster facilities that shall be available to the department upon request.

(e) Brokers shall not use foster facilities.

Readopt with amendment and renumber Agr 1705 and Agr 1706, effective 5-21-15 (Document #10834), as Agr 1706 and Agr 1707 to read as follows:

PART Agr 17056 TURTLES

Agr 17056.01 Turtle Size. In accordance with 21 CFR 1240.62, no person shall sell a turtle that has a carapace less than 4 inches from front to rear. At such time as 21 CFR 1240.62 is rescinded by the Food and Drug Administration, Agr 17056.01 shall no longer apply.

PART Agr 17067 OCCASIONAL OPERATIONS

Agr 17067.01 Occasional Operations. An “occasional pet vending operation” shall not require a license under RSA 437:1 if:

- (a) It operates no more than 2 days during a 30-day period;
- (b) A letter indicating approval by a local official is kept on site at the time of the occasional pet vending operation;
- (c) Every dog, cat, or ferret housed, harbored, or displayed at an occasional pet vending operation is quarantined in a licensed premises for at least 48 hours prior to participation in the occasional pet vending operation; and
 - (1) For entities not holding a current RSA 437 license, a licensed veterinarian is on site for the entire duration of the operation to assure animal welfare, oversee animal housing, and issue official ~~health~~ certificates of transfer for each animal that is transferred to the public; or
 - (2) For current RSA 437 license holders, a copy of a current official ~~health~~ certificate of transfer is on site for each animal that is transferred to the public.

Readopt with amendment and renumbered Agr 1707.01, effective 5-21-15 (Document #10834) as Agr 1708.01, cited and to read as follows:

PART Agr 1707 FORMS

~~— Agr 1707.01 Applications. Each applicant for a license shall apply using a form prescribed by and available from the department. The licensing application process shall be completed within 6 months of the department’s initial receipt of any required information, with exceptions such as accident, illness, military service and other issues.~~

Readopt and renumber Agr 1707.02, effective 11-20-20 (Document #13132), as Agr 1708.02, to read as follows:

~~— Agr 1707.02 Forms. Persons seeking a pet vendor license shall apply for that license by completing and submitting form “Application to License Pet Vendor Premises” (Revised 5/20) with a non-refundable fee required by RSA 437:3.~~

Readopt with amendment and renumber Agr 1707.03 and Agr 1707.04, effective 5-21-15 (Document #10834), as Agr 1708.03 and Agr 1708.04, to read as follows:

~~— Agr 1707.03 Abandonment of Application. An application shall be deemed abandoned when the applicant fails to complete the application and licensure process within 6 months of the department’s initial receipt of any required information unless that time period is extended pursuant to Agr 1707.01.~~

~~— Agr 1707.04 Submitting an Application. All forms described in this section shall be submitted to: New Hampshire Department of Agriculture, Markets and Food, Division of Animal Industry, PO Box 2042, Concord, NH 03302-2042.~~

PART Agr 1708 FORMS

Agr 1708.01 Applications. Each applicant for a license shall apply using a form prescribed by and available from the department. The licensing application process shall be completed within 6 months of the department’s

initial receipt of any required information, with exceptions such as accident, illness, military service and other issues.

- Agr 1708.02 Forms and Fees.

(a) Persons seeking a pet vendor license shall apply for that license by completing and submitting an on-line application accessed through the department website, www.agriculture.nh.gov, once it is operational including a non-refundable fee required by RSA 437:3.

(b) Prior to the on-line application being operational, persons seeking a pet vendor license shall ~~apply for that license by completing and submitting~~ complete and submit form "Application to License Pet Vendor Premises" (Revised 5/20) and submit to: New Hampshire Department of Agriculture, Markets and Food, Division of Animal Industry, One Granite Place South, Suite 211, Concord, NH 03301 with a non-refundable fee required by RSA 437:3.

- Agr 1708.03 Review of Application.

(a) The department shall examine the application within 30 days of receipt and notify the applicant of any apparent errors, omissions, or otherwise incomplete portions of the application, request any additional information that the agency is permitted by law to require, and notify the applicant of the name, official title, address, and telephone number of an agency official or employee who may be contacted regarding the application.

(b) The department will approve or deny a completed application within 60 days of receipt.

(c) The department may extend the time periods for review provided for in this section upon written agreement of the applicant.

- Agr 1708.04 Abandonment of an Application. An application shall be deemed abandoned when the applicant fails to complete the application and licensure process within 6 months of the department's initial receipt of any required information unless that time period is extended pursuant to Agr 1708.01 or Agr 1708.03(c).

Readopt and renumber Agr 1708, effective 5-21-15 (Document #10834), as Agr 1709 to read as follows:

PART Agr 17089 ISSUING A LICENSE

Agr 17089.01. Licenses. Licenses shall be issued upon submission of all application materials, and the fees and information required by RSA 437 and Agr 1700, and a subsequent finding on following an inspection by the department for new applications or a finding on the most recent inspection, within the previous 12 months, for a renewal application that the premises meet all of the standards in RSA 437 and Agr 1700 per the following.:

(a) For new applications, within 6 months from filing an application unless the time period has been extended pursuant to Agr 17-8.01 or Agr 1708.03(c), or

(b) For renewal applications, within the previous 12 months.

Readopt with amendment and renumber Agr 1709, effective 5-21-15 (Document #10834), as Agr 1710 to read as follows:

PART Agr 170910 REVOCATION, SUSPENSION AND OTHER SANCTIONS

~~Agr 1709~~10.01 Disciplinary Sanctions.(a) Upon finding noncompliance with Agr 1700 or RSA 437 the department shall determine which sanctions pursuant to RSA 437:3, 9, and 9-a to impose by considering the:

- (a) Severity of the offense;
- (b) Licensee's history of misconduct;
- (c) Licensee's acknowledgment of his or her wrongdoing;
- (d) Licensee's willingness to cooperate with the department's investigation;
- (e) Purpose of the rule or statute violated;
- (f) Potential harm to public health and safety; and
- (g) Nature and extent of the enforcement activities required of the department as a result of the offense.

APPENDIX

Rule	Specific State Statute the Rule Implements
Agr 1701	RSA 437:2
Agr 1702	RSA 437:1; RSA 437:8
Agr 1703	RSA 437:3; RSA 437:6
Agr 1704	RSA 437:3
Agr 1705.01	RSA 437:3; RSA 437:5; RSA 437:8; RSA 437:10
Agr 1705.02	RSA 437:3; RSA 437:5; RSA 437:6; RSA 437:8
Agr 1705.03	RSA 437:3; RSA 437:5; RSA 437:6; RSA 437:8
Agr 1706	RSA 437:1; RSA 437:5
Agr 1707	RSA 437:1; RSA 437:8
Agr 1708	RSA 437
Agr 1709	RSA 437
Agr 1710	RSA 437