



NEW HAMPSHIRE BREEDER BILL SET FOR JANUARY 21ST HEARING

**** BILL BANS OWNERSHIP OF MORE THAN 50 DOGS ****

The Issue.

New Hampshire House Bill 1624 would impose new restrictions on any person having custody of more than 10 intact dogs over the age of 4 months for the purpose of selling their offspring as household pets, as well as anyone acting as agent or intermediary in negotiating, buying, selling, or transferring dogs. **Additionally, the bill imposes an absolute ban on having custody of more than 50 intact dogs over the age of 4 months for the purpose of selling their offspring as household pets. Such a prohibition has no relationship to the health or welfare of dogs.**

The Impact.

HB 1624 requires any person subject to the bill to meet specified requirements, as follows:

- Must provide "adequate caging" meaning that dogs housed in cages, kennels, stalls, or runs must be structured with a solid impermeable floor or a slatted floor with gaps of no more than 1/2 inch between slats, that is not stacked or otherwise placed on top of or below another animal's enclosure, and is placed no more than 42 inches above the floor. For dogs who are housed in a home with people, "adequate caging" means the animal lives loose in the home amongst people who reside in the home.
- Must ensure "adequate rest" between breeding cycles" meaning that, at a minimum, dog are not bred during consecutive heat cycles and are not bred before attaining one year of age.
- Must allow for "regular exercise" meaning, at a minimum, one period during each day for a total of not less than one hour for each dog over the age of 4 months, which shall include removal from the dog's primary enclosure and which shall allow the dog free mobility for the entire period either by leash walking or providing access to a play area at least 3 feet wide and 20 feet long, but shall not include use of a treadmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine to address a specific medical condition.
- Debarking, tail docking, and surgical birth are prohibited unless performed under general anesthesia by a licensed veterinarian.

Persons in violation of the law would be subject to a \$1,000 fine for each violation.

Recommended Action.

This bill has been set for hearing before the House Committee on the Environment and Agriculture on Thursday January 21, 2010. It will be held at 1:00 p.m. in Room 308 of the Legislative Office Building. Those opposed to this measure are urged to contact committee members (see committee list attached below). Updates on the status of this bill will be posted to the Breaking News page of PIJAC's website at (<http://www.pijac.org/petinformation/breakingnews.asp>). You are encouraged to visit the site regularly to be informed of actions taken on this legislation.



For additional information on HB 1624, or other bills in which you may have an interest, contact PIJAC's Michael Maddox at michael@pijac.org or 800-553-PETS (7387).

**State of New Hampshire
House Committee on Environment & Agriculture
State Capitol, Room 308 LOB
Concord, NH 03301
603/271-3125**

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Not Yet a PIJAC Member?

For more than thirty-five years, the Pet Industry Joint Advisory Council (PIJAC) has ensured the prosperity of the pet industry. To learn more about PIJAC, please visit our website at www.pijac.org. For further information, please send an e-mail to Members@pijac.org or phone 1-800-553-PETS (1-800-553-7387).

Our Business IS Your Business. PIJAC: Keeping You in Business.

2009 NH H 1624 **AUTHOR:** Kepner
 VERSION: Prefiled
 VERSION DATE: 12/16/2009

HB 1624-FN -- AS INTRODUCED

2010 SESSION

AN ACT relative to the care and treatment of dogs by breeders within the state.

SPONSORS: Rep. Kepner, Rock 15; Rep. Skinder, Sull 1; Rep. Reagan, Rock 1

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill requires certain standards of care and treatment of dogs by breeders within the state.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the care and treatment of dogs by breeders within the state.

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

1 New Subdivision; Dog Breeders. Amend RSA 437 by inserting after section 22 the following new subdivision:

Dog Breeders

437:23 Definitions. In this subdivision:

I. "Adequate caging" means caging for dogs who are housed in cages, kennels, stalls, or runs, the structure of which has a solid impermeable floor or a slatted floor with gaps of no more than 1/2 inch between slats, that is not stacked or otherwise placed on top of or below another animal's enclosure, and is placed no more than 42 inches above the floor. For dogs who are housed in a home with people, "adequate caging" means the animal lives loose in the home amongst people who reside in the home.

II. "Adequate rest between breeding cycles" means, at minimum, ensuring that dogs are not bred during consecutive heat cycles and are not bred before attaining one year of age.

III. "Debarking" means the cutting or procuring of the cutting of a dog's vocal cords or the altering, causing or procuring the alteration of any part of a dog's resonance chamber.

IV. "Person" means any individual, firm, partnership, joint venture, association, limited liability company, company, corporation, estate, trust, receiver or syndicate, including a commercial kennel, pet shop, and broker.

V. "Regular exercise" means, at minimum, one period during each day for a total of not less than one hour for each dog over the age of 4 months, which shall include removal from the dog's primary enclosure and which shall allow the dog free mobility for the entire period either by leash walking or providing access to a play area at least 3 feet wide and 20 feet long, but shall not include use of a treadmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine to address a specific medical condition.

VI. "Surgical birth" means birth by cutting through the abdomen and uterus in order to deliver the dog.

VII. "Tail docking" means docking, cutting off, causing or procuring the docking or cutting off of the tail of a dog over 5 days old.

437:24 Prohibitions.

I. Any person having custody of more than 10 intact dogs over the age of 4 months for the purpose of selling their offspring as household pets, or any person acting as agent or intermediary in negotiating, buying, selling, or transferring dogs, when transfer to the final owner occurs in New Hampshire, shall abide by the rules set out in AGR 1702.

II. In addition to the rules contained in AGR 1702, any person having custody of more than 10 intact dogs over the age of 4 months for the purpose of selling their offspring as household pets, or any person acting as intermediary in negotiating, buying, selling, or transferring dogs, when transfer to the final owner occurs in New Hampshire, shall provide every dog in his or her care regular exercise, adequate caging, and adequate rest between breeding cycles.

III. No person shall have custody of more than 50 intact dogs over the age of 4 months for the purpose of selling their offspring as household pets.

IV. Debarking, tail docking, and surgical birth shall be prohibited unless performed under general anesthesia by a licensed veterinarian.

437:25 Duties of the Commissioner.

I. The commissioner of the department of agriculture, markets, and food, or designee, including any duly appointed agent of any humane society, S.P.C.A. incorporated in the state of New Hampshire, or animal control officer, is hereby authorized on the commissioner's own initiative or pursuant to complaints of other persons to investigate complaints made pursuant to this section.

II. The commissioner of the department of agriculture, markets, and food may adopt rules under RSA 541-A to carry out the provisions of this chapter.

437:26 Penalties.

I. Any person who violates this subdivision shall be guilty of a misdemeanor.

II. Any person or owner who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine not to exceed \$1000 for each violation.

2 Effective Date. This act shall take effect January 1, 2011.

LBAO

12/10/09

HB 1624-FN - FISCAL NOTE

AN ACT relative to the care and treatment of dogs by breeders within the state.

FISCAL IMPACT:

The Judicial Branch, the Judicial Council, the Department of Justice and the New Hampshire Association of Counties state this bill may increase state and county expenditures by an indeterminable amount in FY 2011 and each year thereafter. The Department of Agriculture, Markets and Food states this bill will increase state expenditures by an indeterminable amount and may increase local expenditures by an indeterminable amount in FY 2011 and each year thereafter. There will be no fiscal impact on state, county and local revenue.

METHODOLOGY:

The Judicial Branch states this bill will add RSA 437:23 through RSA 437:26 to impose standards of care and treatment of dogs on dog breeders within New Hampshire and to make it an unspecified misdemeanor for any person violating the standards. Misdemeanor charges can be either a class A or class B, with the presumption they will be class B in accordance with RSA 625:9,IV. However, the Branch has no information to estimate how many new misdemeanors would be brought as a result of this bill or if they would be a class A or class B misdemeanors. The Branch states the cost of a class A misdemeanor case is \$51.14 and the cost of a class B misdemeanor case is \$36.89 in FY 2011 and each year thereafter. The possibility of appeals increases the likelihood the fiscal impact on the Branch will exceed \$10,000.

The Judicial Council states to the extent an unspecified misdemeanor results in a misdemeanor offense where the right to counsel exists this bill may result in an indeterminable increase in general fund expenditures. The Council states if an individual is found to be indigent, the flat fee of \$275 per misdemeanor is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor charge. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned counsel rates for Supreme Court appeals is \$2,000 per case, with many assigned counsel attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Finally, expenditures would increase if services other than counsel are requested and approved by the court during the defense of a case or during an appeal.

The Department of Justice states the criminal offense created by this bill is typically prosecuted by a local prosecutor or county attorney's office. If an appeal is filed, the Department would have increased expenditures. The Department is unable to estimate how many cases would be prosecuted by the Department or appealed to the Supreme Court. Additionally, the Department would have some increase in expenditures related to client counseling duties for the Department of Agriculture; however any fiscal impact would likely be absorbed by existing resources.

The New Hampshire Association of Counties states to the extent an individual is prosecuted, convicted, and sentenced to incarceration, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be detained or incarcerated as a result of this bill. The average cost to incarcerate an individual in a county facility is \$35,342 a year.

The Department of Agriculture, Markets and Food states this bill will increase state expenditures and may increase local expenditures by an indeterminable amount. The Department assumes no additional funding or personnel would be provided. The Department states that without additional personnel the state veterinarian will not be able to assume the additional responsibilities contained in this bill and continue to perform the state veterinarian's current responsibilities. The state veterinarian would need to not perform 366 to 687 hours of other functions per year to meet the responsibilities contained in this bill. There would also be indeterminable costs associated with administrative and legal proceedings for the Department of Agriculture, Markets and Food and the Department of Justice. The Department states to the extent municipal animal control officers are authorized to and investigate complaints local expenditures may increase.