



NEW HAMPSHIRE TO LICENSE PET VENDORS

****HEARING SET FOR MARCH 1ST****

The Issue:

Legislation just set for hearing in the House Committee on Environment & Agriculture would establish new licensing and inspection requirements for “pet vendors” and impose additional restrictions on the sale of companion animals.

The Impact:

House Bill 325 requires a license with the Department of Agriculture, Markets and Food for any person acting as a “pet vendor.” That term is defined by the Act to include “any person who transfers ownership of 10 or more litters of dogs or cats or more than 50 animals or birds customarily used as household pets during any 12 month period.” It does not matter, for purposes of this Act, whether such transfer occurs “with or without a fee or donation,” and the bill specifically provides that this requirement applies to “high-volume pet breeders; to any person acting as a broker; and to any person engaged in livestock or equine rescue.” Applications for an original license or a renewal must include a \$350.00 fee.

All licensees are required to be inspected by the Department, and a license will be issued only if the facility or operation and all of the equipment used for animal handling thereon meet the proper standards for health and sanitation as outlined by this bill and rules adopted by the Department. The Department must be satisfied that there will be no inhumane treatment of animals “or birds” and that the zoning enforcement official of the municipality wherein such facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. Licenses are subject to revocation at any time by the Department if, in the Department’s judgment, these required conditions are not being met.

The bill grants authority to the Department to adopt rules relative to health and sanitation standards, and such rules must include health precautions in the case of birds and animals which are offered for transfer, displayed, kept, or placed in stores or shopping facilities where food or drink of any kind is sold, prepared, or served.

All licensees must furnish to the Department such information as it requires concerning the selling, placing, or giving away of animals or birds, and maintenance of the premises used for such purposes. Inspections of all premises must be made at reasonable times, at least every 6 months. The Department is also charged with investigating all complaints about licensed facilities. If a licensee has 6 consecutive inspections with no significant deficiencies, the Department is empowered to reduce the number of inspections of that particular licensee to once per year. Licensees must maintain regularly posted open business hours, with a minimum of eight hours per week Monday through Friday, to accommodate inspections.

“Any duly appointed person” acting under the authority and direction of the Department is authorized to conduct inspections. **This would mean that 3rd party inspectors who are not employees of the Department, such as humane organization employees, would be given police powers to enter private property of licensees.** Licensees without a facility or operation in New Hampshire would be exempt from facility inspection, but would be subject to health certificate requirements for all imported animals. Such certificates must be submitted to the department for review within one month of the date of writing of the certificate.

Licensees are also required to:

- Include a statement on the license application confirming development of a written plan for disaster response and recovery, including structural damage, electrical outages, and other critical system failures. This plan must be available for inspection by the department upon request;
- Maintain a written program of disease control and prevention, euthanasia, and adequate veterinary care. The program must be approved by the licensee's veterinarian-of-record and available for inspection by the department upon request; and,
- Provide a form of positive identification for every dog, cat and ferret transferred by a pet vendor in New Hampshire. Such identification could include a tattoo, microchip, or any other permanent form of identification approved by the Department. All dogs, cats, and ferrets transferred by pet vendors must also be vaccinated against rabies in accordance with existing law, and must be accompanied by an official health certificate if the dog, cat, or ferret was imported into the state for transfer.

PIJAC Position:

PIJAC supports responsible care of pet animals by persons who would qualify as “pet vendors” under House Bill 325, but opposes excessive license fees and onerous facility standards. Legislation such as this should clearly set forth objective standards that would be imposed on licensed facilities, rather than giving the Department unfettered authority to adopt any standards it desires. PIJAC also opposes extending police powers to nongovernmental entities. The authority to conduct inspections of private property, and engage in related activities, should be limited to full-time, adequately trained employees of the Department.

Recommended Action:

HB 325 is scheduled for hearing in the House Environment & Agriculture Committee on March 1, 2011 at 1:00 p.m. in Room 303 of the Legislative Office Building. Those concerned about the right to breed and sell pets in the state of New Hampshire are urged to contact [members of the committee](#) **IN ADVANCE OF THIS HEARING** to request a vote against this bill as currently crafted. Also, if at all possible, you should attend the hearing to voice your opposition to this legislation!

While this *PetAlert* summarizes provisions of the bill, you may [click here](#) to see the actual language of the bill. PIJAC will issue a revised *PetAlert* advising members of any change in status of the bill, and recommending appropriate further action. For questions or additional information about this legislation, contact PIJAC's Michael Maddox via email at michael@pijac.org or by phone at 202-452-1525, ext 106.

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The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!