

Amendment to HB 532-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the  
4 following new sections:

5 437:8-a Animal Records Database Established.

6 I. The department of agriculture, markets, and food shall design, establish, and contract  
7 with a third party for the implementation and operation of an electronic system to facilitate the  
8 handling of animal records.

9 II. The department shall maintain a reporting system capable of receiving electronically  
10 transmitted records from veterinarians. The commissioner shall adopt rules under RSA 541-A to  
11 govern methods of obtaining, compiling, and maintaining such information he or she deems  
12 necessary to manage such database including procedures for providing authorized access. The  
13 commissioner shall also ensure that the database is secure from unauthorized access or use.

14 III. The commissioner may issue a waiver to a veterinarian who is unable to submit  
15 information by electronic means. Such waiver may permit the veterinarian to submit information by  
16 paper form or other means, provided all information required by RSA 437:8 is submitted in this  
17 alternative format and within the established time limit.

18 IV. The commissioner may grant a reasonable extension to a veterinarian who is unable, for  
19 good cause, to submit all the information required by RSA 437:8 within the established time limits.  
20 Any veterinarian who in good faith reports to the program as required by RSA 437:8 shall be  
21 immune from any civil or criminal liability as the result of such good faith reporting.

22 V. There is established a nonlapsing fund to be known as the animal records database fund  
23 in the department of agriculture, markets, and food which shall be kept distinct and separate from  
24 all other funds. All moneys in the animal records database fund shall be nonlapsing and continually  
25 appropriated to the commissioner, and except as otherwise provided in law, shall be used for the  
26 purpose of administering and maintaining the animal records database established in this section.  
27 The database fund shall draw moneys only from grants and appropriations.

28 VI. Notwithstanding paragraph V, the fund shall be initiated by transfers from the  
29 agricultural product and scale testing fund established under RSA 435:20, IV, as provided in RSA  
30 435:20,V, and the integrated pest management fund established under RSA 430:50, as provided in  
31 RSA 430:50, IV.

32 437:8-b Confidentiality.

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1           I. Information contained in the animal records database under RSA 437:8-a, information  
2 obtained from it, and information contained in the records of requests for information from the  
3 database, shall be confidential, and shall not be a public record or otherwise subject to disclosure  
4 under RSA 91-A, and shall not be subject to discovery, subpoena, or other means of legal compulsion  
5 for release. Such information shall not be shared with an agency or institution, except as provided  
6 in this subdivision.

7           II. Information submitted to the animal records database is exempt from public disclosure.  
8 Disclosure to local, state, and federal officials is not public disclosure. This exemption shall not  
9 affect the disclosure of information used in official local, state, or federal animal health  
10 investigations or pet vendor license investigations under this chapter. Database records,  
11 information, or lists may be made available pursuant to a court order on a case-by-case basis. Any  
12 information, record, or list received pursuant to this paragraph shall not be transferred or otherwise  
13 made available to any other person or listed entity not authorized under this paragraph.

14           III. The department shall establish and maintain procedures to ensure the privacy and  
15 confidentiality of animal and animal owner information.

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

19           V. No animal records database records, information, or lists shall be sold, rented,  
20 transferred, or otherwise made available in whole or in part, in any form or format, directly or  
21 indirectly, to another person.

22           VI. Certificates of transfer shall be removed from the animal records database after 4 years.

23           VII. Any person who knowingly accesses, alters, destroys, publishes, or discloses animal  
24 records database information except as authorized in this section or attempts to obtain such  
25 information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony.

26           VIII. Nothing in this section shall limit the right of a person damaged by a violation to  
27 pursue any other appropriate cause of action.

28           2 Certificates of Transfer for Dogs and Cats. RSA 437:8 is repealed and reenacted to read as  
29 follows:

30           437:8 Certificates of Transfer for Dogs, Cats, and Ferrets.

31           I. For purposes of this chapter, an official certificate of transfer means an electronic record  
32 electronically submitted to the animal records database by a licensed veterinarian, containing the  
33 name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender,  
34 breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or  
35 ferret, and the certification by the veterinarian that the dog, cat, or ferret is free from evidence of  
36 communicable diseases or internal or external parasites. A list of all vaccines and medication  
37 administered to the dog, cat, or ferret shall be included in the certificate.

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1           II. The electronically submitted certificate of transfer shall be considered the official  
2 certificate of transfer. A copy of the certificate of transfer of the dog, cat, or ferret offered for  
3 transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and  
4 made available for inspection by the department, local officials, or a member of the public upon  
5 request up to one year after the animal has left the facility. The public shall be informed of their  
6 right to inspect a copy of the certificate of transfer for each dog, cat, or ferret offered for transfer by a  
7 sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a  
8 dog, cat, or ferret, a copy of that animal's certificate of transfer shall be given to the transferee in  
9 addition to any other documents which are customarily delivered to the transferee.

10           III. For purposes of this chapter, an official certificate of transfer waiver means an electronic  
11 record electronically submitted to the animal records database provided in lieu of an official  
12 certificate of transfer for a dog, cat, or ferret that has failed the examination for an official certificate  
13 of transfer because of a non-contagious illness, feline leukemia, or feline immunodeficiency virus.  
14 The waiver shall contain the name and address of the entity transferring ownership of the dog, cat,  
15 or ferret; the age, gender, breed, microchip number, tattoo number, ear tag number, or physical  
16 description of the dog, cat, or ferret; the reason for failure of the examination for the official  
17 certificate of transfer; and the signature of the transferee indicating that the transferee has  
18 knowledge of the dog's, cat's, or ferret's non-contagious medical condition. A list of all vaccines and  
19 medication administered to the dog, cat, or ferret shall be included in the certificate of transfer  
20 waiver. The waiver shall be submitted electronically to the animal records database by a New  
21 Hampshire licensed veterinarian.

22           IV. No person, firm, corporation, or other entity shall ship or bring into the state of New  
23 Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8  
24 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or  
25 ferret less than 8 weeks of age.

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

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

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

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

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1 VII. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
2 without first being protected against infectious diseases using vaccines approved by the state  
3 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual  
4 unless accompanied by a copy of the official certificate of transfer or official certificate of transfer  
5 waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the  
6 transferred animal is accompanied by a copy of the official certificate of transfer or official certificate  
7 of transfer waiver. The official certificate of transfer or official certificate of transfer waiver shall  
8 reside in the animal records database. Copies shall be provided to the veterinarian, transferor, and  
9 the transferee, who shall retain copies for their records. The transferor shall retain a copy for his or  
10 her records. If an official certificate of transfer or official certificate of transfer waiver is produced, it  
11 shall be prima facie evidence of transfer.

12 3 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after  
13 subparagraph (364) the following new subparagraph:

14 (365) Moneys deposited in the animal records database fund established in RSA  
15 437:8-a, V.

16 4 New Paragraph; Agricultural Product and Scale Testing Fund; Transfer Authority. Amend  
17 RSA 435:20 by inserting after paragraph IV the following new paragraph:

18 V. The commissioner shall transfer funds from the agricultural product and scale testing  
19 fund established under RSA 435:20, IV to the animal records database fund established in RSA  
20 437:8-a to develop and make operational the animal records database. The commissioner shall  
21 certify to the secretary of state and the director of the office of legislative services the date on which  
22 the animal records database is operational. For 2 years after such certification, if needed for  
23 database operation and maintenance, the commissioner may continue to transfer additional funds  
24 from the agricultural product and scale testing fund to the animal records database fund for this  
25 purpose.

26 5 New Paragraph; Integrated Pest Management Fund; Transfer Authority. Amend RSA 430:50  
27 by inserting after paragraph III the following new paragraph:

28 IV. The commissioner shall transfer funds from the integrated pest management fund  
29 established in this section to the animal records database fund established in RSA 437:8-a to develop  
30 and make operational the animal records database. The commissioner shall certify to the secretary  
31 of state and the director of the office of legislative services the date on which the animal records  
32 database is operational. For 2 years after such certification, if needed for database operation and  
33 maintenance, the commissioner may continue to transfer additional funds from the integrated pest  
34 management fund to the animal records database fund for this purpose.

35 6 Repeals. The following are repealed:

36 I. RSA 430:50, IV, relative to the authority of the commissioner of the department of  
37 agriculture, markets, and food to transfer funds from the integrated pest management fund.

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1           II. RSA 435:20, V, relative to the authority of the commissioner of the department of  
2 agriculture, markets, and food to transfer funds from the agricultural product and scale testing fund.

3           7 Applicability; Effective Dates.

4           I. Section 2 of this act shall take effect 90 days after the commissioner of the department of  
5 agriculture, markets, and food certifies to the secretary of state and the director of the office of  
6 legislative services that the animal records database established in RSA 437:8-a is operational.

7           II. Section 6 of this act shall take effect 2 years from the date on which the commissioner of  
8 the department of agriculture, markets, and food certifies to the secretary of state and the director of  
9 the office of legislative services, that the animal records database established in RSA 437:8-a is  
10 operational.

11          8 Appropriation. The sum of \$250,000 for the fiscal year ending June 30, 2023 is hereby  
12 appropriated to the department of agriculture, markets, and food for the maintenance of the animal  
13 records database. These appropriations are in addition to any other funds appropriated to the  
14 department of agriculture, markets, and food. The governor is authorized to draw a warrant for said  
15 sums out of any money in the treasury not otherwise appropriated.

16          9 Position Established. The classified position of IT Manager III is established in the  
17 department of information technology to develop and administer the animal records database  
18 established in RSA 437:8-a.

19          10 Effective Date.

20           I. Section 2 of this act shall take effect as provided in paragraph I of section 7 of this act.

21           II. Section 6 of this act shall take effect as provided in paragraph II of section 7 of this act.

22           III. The remainder of this act shall take effect upon its passage.

2021-0211h

AMENDED ANALYSIS

This bill:

- I. Creates a database for animal records.
- II. Renames animal health certificates as certificates of transfer.
- III. Authorizes the commissioner of the department of agriculture, markets, and food to transfer money to and from certain funds in order to establish the animal record database and to repay monies transferred from other funds. This bill does not require the commissioner to fully reimburse the other funds.
- IV. Establishes a position in the department of information technology for the building and management of the animal records database.