

HB 1501-FN-LOCAL - AS INTRODUCED

2024 SESSION

24-2731

08/02

HOUSE BILL *1501-FN-LOCAL*

AN ACT repealing the requirement to register dogs annually.

SPONSORS: Rep. Hoell, Merr. 27; Rep. T. Mannion, Hills. 1

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill repeals the requirement that cats and dogs be registered annually.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2731

08/02

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT repealing the requirement to register dogs annually.

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

1 Companion Animal Neutering Fund. Amend RSA 6:12, I(b)(59) to read as follows:

(59) Moneys received under [~~RSA 466:4, I(c), RSA 466:6, III, and~~] RSA 437-A which shall be credited to the companion animal neutering fund, established in RSA 437-A:4-a.

2 Service Animals; Prohibited Acts. Amend RSA 167-D:8 to read as follows:

167-D:8 Prohibited Acts.

I. It is unlawful for a person, directly or indirectly, either to prohibit, hinder, or interfere with a service animal's handler or trainer who otherwise complies with the limitations applicable to persons without disabilities.

II. It is unlawful for any person to fit an animal with a collar, leash, vest, sign, or harness of the type which represents that the animal is a service animal, [~~or service animal tag issued under RSA 466:8 or to request a service animal tag issued under RSA 466:8~~] if in fact said animal is not a service animal.

III. It is unlawful for any person to willfully interfere or attempt to interfere with a service animal.

IV. It is unlawful for any person to represent that such person has a disability or is a service animal trainer for the purpose of acquiring a service animal unless said person has a disability or is a service animal trainer and to

impersonate, by word or action, a person with a disability for the purpose of receiving service dog accommodations or service animal accessories such as a collar, leash, vest, sign, harness, or service animal tag, which represents that the animal is a service animal ~~[or to acquire a service animal tag issued under RSA 466:8]~~.

3 Impoundment of Dog Rabies Suspects. Amend RSA 436:105 to read as follows:

436:105 Impoundment of Dog Rabies Suspects.

I. Any dog displaying symptoms which indicate a likelihood that such dog is afflicted with rabies which has bitten a person and caused a puncture of the skin or which has caused a nonbite exposure shall be immediately euthanized and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for euthanizing the dog and for preparing the head for shipment to the public health laboratory. If the dog is a stray, the rabies control authority shall be responsible for the expense~~[- and such expense shall be paid from fees collected under RSA 466:4 and 466:6]~~.

II. Any apparently healthy dog not vaccinated in accordance with RSA 436:100, or whose vaccination status is unknown which has bitten any person and caused a puncture of the skin or which has caused a nonbite exposure of such person, shall be seized and impounded under the supervision of the local authorities for a period of not less than 10 days. If, upon examination by a licensed veterinarian, the dog has no signs of rabies at the end of said impoundment, it may be released to the owner or, in the case of a stray, it shall be disposed of in accordance with applicable laws. Any illness in the dog during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the dog shall be euthanized and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for the examination and for the impoundment of the dog. The owner shall also be responsible for any expense for euthanizing the dog and for preparing the head for shipment to the public health laboratory. If the dog is a stray, the rabies control authority shall be responsible for the expense~~[- and such expense shall be paid from fees collected under RSA 466:4 and 466:6]~~.

III. Except as provided in RSA 436:105-b, any healthy dog vaccinated in accordance with RSA 436:100, which has bitten any person and caused a puncture of the skin or caused a nonbite exposure, shall be confined by the owner or other responsible person as required by local authorities for a period of 10 days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog may be released from confinement. Any illness in the dog during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the dog shall be euthanized and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for the examination and for the impoundment of the dog. The owner shall also be responsible for any expense for euthanizing the dog and for preparing the head for shipment to the public health laboratory. If the dog is a stray, the rabies control authority shall be responsible for the expense incurred~~[- and such expense shall be paid from fees collected under RSA 466:4 and RSA 466:6]~~.

4 Impoundment of Cat Rabies Suspects. Amend RSA 436:105-a to read as follows:

436:105-a Impoundment of Cat Rabies Suspects.

I. Any cat displaying symptoms which indicate a likelihood that such cat is afflicted with rabies which has bitten a person and caused a puncture of the skin or which has caused a nonbite exposure shall be immediately euthanized and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for euthanizing the cat and for preparing the head for shipment to

the public health laboratory. If the owner of the cat is not known, the rabies control authority shall be responsible for the expense~~[- and such expense shall be paid from fees collected under RSA 466:4 and 466:6].~~

II. Any apparently healthy cat not vaccinated or whose vaccination status is unknown which has bitten any person and caused a puncture of the skin or which has caused a nonbite exposure of the person shall be seized and, if the owner consents, impounded under the supervision of the local authorities for a period of not less than 10 days. If, upon examination by a licensed veterinarian, the cat has no signs of rabies at the end of the impoundment, it may be released to the owner. Any illness in the cat during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the cat shall be euthanized and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for the examination and for the impoundment of the cat. If the owner of the cat is not known or if the owner does not consent to impoundment, the cat shall be euthanized upon seizure and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for euthanizing the cat and for preparing the head for shipment to the public health laboratory. If the owner of the cat is not known, the rabies control authority shall be responsible for the expense~~[- and such expense shall be paid from fees collected under RSA 466:4 and 466:6].~~

III. Any healthy cat vaccinated in accordance with RSA 436:100, which has bitten any person and caused a puncture of the skin or which has caused a nonbite exposure, shall be confined by the owner or other responsible person as required by the local authorities for a period of 10 days, at which time the cat shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the cat may be released from confinement. Any illness in the cat during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the cat shall be euthanized and the head sent for examination to the public health laboratory, department of health and human services. It shall be the responsibility of the owner for any expense for the examination and the impoundment of the cat, for euthanizing the cat and for preparing the head for shipment to the public health laboratory. If the owner of the cat does not consent to the confinement or if the owner of the cat is not known, the rabies control authority shall be responsible for the expense ~~[and such expense shall be paid from fees collected under RSA 466:4 and 466:6].~~

5 Handling of Dogs, Cats, and Ferrets Bitten by Rabid Animals. Amend RSA 436:106, I(a) to read as follows:

(a) In the case of dogs, cats, and ferrets which are not vaccinated in accordance with RSA 436:100 and which have been bitten by a known rabid animal or have had a nonbite exposure, the dogs, cats, and ferrets which were bitten or exposed to rabies shall be immediately euthanized, unless the owner is unwilling as provided in subparagraph (b) of this paragraph. The owner shall be responsible for the expense of destroying and disposing of the dog, cat, or ferret. In the case of a stray dog or cat whose owner is not known, the rabies control authority shall be responsible for the expense~~[- and such expense shall be paid from the fees collected under RSA 466:4 and 466:6].~~ In the case of a ferret whose owner is not known, the state shall be responsible for the expense.

6 Handling of Dogs, Cats, and Ferrets Bitten by Rabid Animals. Amend RSA 436:106, III(b) to read as follows:

(b) The expense for dogs and cats shall be an expense of the rabies control authority~~[- and such expense shall be paid from fees collected under RSA 466:4 and 466:6].~~ The expense for ferrets shall be the responsibility of the state.

7 Unclaimed Cats. Amend RSA 437:18, IV(d) to read as follows:

(d) Any cat in the custody of the animal care center for at least 7 days which has a form of positive identification including, but not limited to a tattoo, collar, microchip, **or** eartag~~[- or any other form of identification approved by the~~

~~commissioner of agriculture, markets, and food pursuant to rules adopted under RSA 466:13-a].~~

8 Notice to Owner; Reclaiming of Animals. Amend RSA 437:19 to read as follows:

437:19 Notice to Owner; Reclaiming of Animals. The operator of an animal care center having custody of an animal, the owner of which has refused or neglected to reclaim the animal for a period of 7 days, or has refused or neglected to pay the just fees and charges due for boarding, grooming, surgical, medical or other care of the animal for a period of 7 days, shall notify the owner by certified mail of the intention of the operator to treat the animal as an abandoned animal within the meaning of this subdivision if the owner does not reclaim the animal or pay the charges and fees within 7 days after the mailing of the notification. Any cat ~~[not licensed in accordance with RSA 466:13-a and]~~ which is reclaimed from an animal care center shall be released to the owner only upon proof of a current, valid rabies vaccination or upon being vaccinated against rabies in accordance with RSA 436.

9 Companion Animal Neutering Fund. Amend RSA 437-A:4-a, I to read as follows:

I. There is hereby established the companion animal neutering fund. Any funds received by the commissioner under this chapter~~[, RSA 466:4, I(c), and RSA 466:6, II]~~ shall be deposited in the fund and shall be used by the commissioner exclusively for implementation including veterinarian reimbursement, promotion, and other costs associated with the program. Moneys in the fund shall be continually appropriated to the commissioner. Interest earnings credited to the assets of the fund shall become part of the fund. Any balance remaining in the fund at the end of the fiscal year shall be carried forward to the fund for the next fiscal year.

10 Title to Unlicensed Dogs in Human Societies. Amend RSA 466:18-a to read as follows:

466:18-a Title to Unlicensed Dogs in Humane Societies. Whenever an incorporated society for the prevention of cruelty to animals shall keep and maintain for 7 consecutive days ~~[an unlicensed]~~ a dog whose owner is unknown, full title to the ~~[unlicensed]~~ dog shall pass to the society at the end of the 7-day period, unless the owner of the dog shall, before the expiration of the period, ~~[cause the dog to be licensed and shall]~~ pay the society a necessary and reasonable fee per day for each day the dog has been kept and maintained by the society, plus any necessary veterinary fees incurred by the society for the benefit of the dog.

11 City or Town Bylaws. Amend RSA 466:39 to read as follows:

466:39 City or Town Bylaws. The local governing body may make such additional bylaws and regulations concerning the ~~[licensing and]~~ restraining of dogs as it deems reasonable, and may affix penalties not exceeding \$50 for a breach thereof. Such bylaws and regulations shall relate only to dogs owned or kept in such city or town~~[, and the annual fee required for a license shall in no case be more than \$1 in addition to the sum hereby required].~~

12 Restaurants and Food Stores. Amend RSA 466:44, II(a)(3) to read as follows:

(3) The owner allowing dogs shall prominently display a sign at all public entrances advising patrons that dogs are allowed on the premises. The sign shall state the following text in English:

"Companion dogs are only allowed in certain outdoor dining areas of this establishment.

Only service dogs are allowed in other parts of this establishment.

Your companion dog must ~~[be licensed and]~~ currently vaccinated against rabies to remain in the outdoor dining area with you.

13 Registration. Amend RSA 466:48 to read as follows:

466:48 Registration. ~~[In addition to the dog license required by RSA 466:4,]~~ No guard dog shall be used in any city or town without prior approval of the local law enforcement authority and appropriate registration with that authority.

14 Repeal. The following are repealed:

- I. RSA 466:1, relative to procuring a dog license.
- II. RSA 466:1-a, relative to requiring a rabies vaccination for dogs.
- III. RSA 466:1-b, relative to rabies certificates.
- IV. RSA 466:1-c, relative to authorization to issue license.
- V. RSA 466:1-d, relative to lists of licensed dog owners.
- VI. RSA 466:2, relative to the term of dog licenses.
- VII. RSA 466:3, relative to transfer of ownership of dogs.
- VIII. RSA 466:4, relative to license fees.
- IX. RSA 466:5, relative to the disposal of license fees.
- X. RSA 466:6, relative to group dog licenses.
- XI. RSA 466:7, relative to late fees.
- XII. RSA 466:8, relative to exemptions from dog licenses.
- XIII. RSA 466:9, relative to payment of fees.
- XIV. RSA 466:11, relative to records of licensed dogs.
- XV. RSA 466:13, relative to forfeiture of dogs.
- XVI. RSA 466:13-a, relative to the licensing of cats.
- XVII. RSA 466:14, relative to warrants and proceedings.
- XVIII. RSA 466:15, relative to fees.
- XIX. RSA 466:16, relative to returns of warrants.
- XX. RSA 466:47, relative to licensed guard dogs.
- XXI. RSA 167-D:7, relative to the licensing of service animals.
- XXII. RSA 6:12, I(b)(43), relative to the veterinary diagnostic laboratory fund.

15 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2731
11/27/23

**HB 1501-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to repealing the requirement to register dogs annually.

FISCAL IMPACT: State County Local None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025*	FY 2026	FY 2027
Revenue	\$0	(\$232,500)	(\$465,000)	(\$465,000)
<i>Revenue Fund(s)</i>	Dog License Fees			
Expenditures	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

<i>Funding Source(s)</i>	Animal Population Control Program and Veterinary Diagnostic Lab			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025*	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	(\$452,344)	(\$904,688)	(\$904,688)
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

*Assumes 1/2 of annual amounts in FY 2025 as the bill is effective January 1, 2025

METHODOLOGY:

This bill repeals the requirement that dogs be registered annually. The Department of Agriculture, Markets and Food provided the following information and assumptions concerning the fiscal impact of the bill:

- The state Animal Population Control Program (APCP) would fold from lack of funding due to the proposed repeal of RSA 466:4 and 466:6, III. relative to dog licensing. The APCP has an average annual budget of approximately \$370,000 (FY2020-23) funded by dog license fees. The program assistant position within the APCP would be laid off. The work currently performed by this position would not be transferred to the Department. Elimination of the program would increase costs to local government for animal control, impounding and bites. The APCP receives in excess of 5,000 requests for applications from pet owners annually and approximately 3,000 APCP surgeries are performed by participating veterinarians. Low-income pet owners, such as those that use APCP, may not spay / neuter their pet without such program assistance.
- Towns would save the cost of dog license tags. Tags are estimated to cost between \$0.10 and \$0.15 each.
- No list of dog owners would exist to be shared with emergency responders, state homeland security and emergency response planners, public health and disease control investigators or animal cruelty investigators. These costs cannot be quantified but may be substantial.
- The revenue lost to towns is \$4.50 or \$7 per license. The Department assumes most towns currently use money for animal control, police operations, or general fund support. Since such activities will continue, but municipalities will need to raise local revenue to cover the cost of these mandatory services. Towns will also lose revenue from late licensing, forfeitures and \$1.50 for each transferred license.
- The NH Veterinary Diagnostic Laboratory (NHVDL) would lose about \$95,000 of annual revenue. This could substantially jeopardize laboratory functions and could put the lab out of business. Loss of lab capacity in the state would create risks to animal health, human health, and food safety. The turnaround time and cost for tests would increase based on shipping times to out-of-state labs and costs for shipping. The NHVDL provides testing for rabies, avian influenza, swine influenza, brucellosis, etc. New Hampshire could be without the local infrastructure to support the agriculture industry. Though it is not possible to calculate an estimate, the Department states the costs to the state and citizens could be in the millions of dollars.
- With no town license, it would be impossible to trace some dogs back to their owners or town of origin for confirmation of rabies vaccination. It is assumed that some of these dogs would bite or scratch humans or

other dogs or cats, potentially exposing them to rabies. Because rabies is a zero-risk tolerance disease, in every such case it would be necessary to initiate post-exposure prophylaxis (PEP) for the humans involved.

This cost is borne by the state. Current average cost estimates for PEP exceed \$4,000 per person. The number of additional series of PEP required cannot be estimated.

- There would be no change regarding cats as no towns currently license cats.
- Animal shelters would still be required hold strays for up to 7-days. It is anticipated that the number of unidentified stray dogs will go up, and as a result:
 - Shelters will hold more dogs for the full 7 days at some unknown cost to the shelter since there will be more unidentified dogs;
 - More pet owners will be unable to positively identify their pets potentially resulting in more pet owner's losing their animals.

The Department summarized the potential costs below:

- Loss to Animal Population Control Program. The Animal Control Management Guide published by ICMA has research from 2001 shows that every dollar spent by the NH APCP saves local taxpayers \$3.23. If so, the \$370,000 annual APCP budget x \$3.23 would equal lost local savings of \$1,195,100.
- Loss to the NH Veterinary Diagnostic Laboratory. It is impossible to fully quantify the effects which would include the impact of decreased surveillance, testing and control of rabies, avian influenza and brucellosis. This would significantly impact local costs, and costs to the poultry and cattle industries in New Hampshire.
- Loss of local license revenue.*
 - 187,500 licensed dogs in NH and 87% of the dogs, or 163,125 are sterilized.
 - License fee for a sterilized dog is \$4.50 x 163,125 = \$734,063
 - License fee for un-sterilized dog is \$7) = \$170,625
 - Lost local revenue (\$904,688)

**Does not include decrease in revenue from late licenses, forfeitures, and transfers.*

- Savings to local government from not purchasing license tags.
 - 187,500 licensed dogs x \$0.15 /tag = \$28,125

The New Hampshire Municipal Association assumes the bill's loosening of municipal licensing of dogs would lead to a decrease in municipal and State oversight of mandatory vaccination of dogs and, potentially, lead to lower vaccination rates. As a result, there would be a larger number of dogs that are not vaccinated against rabies, increasing the number of interactions between unvaccinated dogs and cats with both wildlife and the public.

The New Hampshire Municipal Association makes the following assumptions concerning the fiscal impact of the bill:

- Increases in human unvaccinated animal interactions will likely increase the incidence of human-animal scratches/bites by unvaccinated animals. These incidents will require the humans to be treated pursuant to PEP protocols, require local animal control officers including local law enforcement who function as animal control officers to, in the case of unvaccinated dogs, to “seize and impound the animal under the supervision of the local authorities for a period of not less than 10 days” or, in the case of an animal displaying symptoms of rabies, “immediately euthanize and cause the head to be sent for examination to the public health laboratory, department of health and human services” (RSA 436:105; 436:105-a; 435:105-b).
- Local law enforcement will be required to undergo additional firearms training to ensure that they have the requisite skill set to euthanize small, aggressive animals in a manner that leaves the brain intact. Officers may also need additional training to assist them in tracking small, aggressive animals in mixed urban, suburban, and rural environments as well as training on the signs and symptoms of rabies;

- Local law enforcement will likely face overtime and additional personnel costs associated with the need for officers to track suspected rabid animals, including domesticated animals that may have escaped their owners control. These costs will likely include additional sick time and compensation related to the need to provide any member of law enforcement exposed to a potentially rabid animal with PEP. Additional insurance and workman's compensation costs for municipal employees can be expected due to exposure to rabies.
- Municipalities will be required to purchase additional personal protective equipment (PPE) as the incidence of potentially rabid animal exposure rises among municipal employees.
- Local law enforcement, municipal code enforcement officers, and local health officers may incur additional investigative costs associated with domestic animal scratches or bites at locations where un vaccinated domestic animals are not currently allowed, such as at doggy daycares, outdoor dining at restaurants, and other locations falling outside the statutory definition of 'strict isolation' or where an unvaccinated domestic animal would be expected to be transported via leash, muzzled, and under the control of an adult. Extensive investigative work may be needed to determine who was potentially exposed to the virus.
- Municipalities will see additional costs related to unvaccinated domestic animals being seized and impounded under the supervision of the local authorities for a period of not less than 10 days pursuant to RSA 436:105, 436:105-a, 436-105-b, as the number of un vaccinated animals scratching/biting increases.
- Municipalities will likely see additional legal costs from lawsuits brought against the municipality for euthanizing additional domestic animals suspected of being rabid as well as additional incidences of seizing animals.
- Collapse of the Animal Population Control Program will result in an increase in calls to municipal animal control and police departments to deal with more stray animals. The lack of licensing at the municipal level, including the lack of tagging, will increase the risks associated with zoonotic disease, and the increase number of stray animals municipal police departments will encounter.
- Captured at-large dogs and cats will not be able to be immediately returned to owners based on information provided on the municipal tag and retained by the municipality. Instead, captured at-large dogs and cats will need to be brought to a facility that can scan the dog or cat for a microchip containing ownership information about the animal and/or reliance upon any tag that may or may not be voluntarily attached to the animal by the owner. This will increase municipal wage expenses due to the need for animal control and police officers to do additional investigation to determine whether the dog or cat is owned or is a stray, and take appropriate steps.

The Municipal Association states it is not possible to estimate the increase in local expenditures, but expects municipal costs will increase substantially. While some savings will result from eliminating the need to purchase license tags and staff time processing license applications and renewals, the Association expects the decrease in municipal revenues and the additional costs will significantly outweigh any cost savings.

AGENCIES CONTACTED:

Department of Agriculture, Markets and Food and New Hampshire Municipal Association