

Frequently Asked Questions: SB 77 & SB 161

What is the problem SB 77 will help solve?

Animals are property under the law and when they are seized by law enforcement per a search warrant for animal cruelty, they are legally required to be held for the duration of the criminal proceedings if the owner does not relinquish their ownership. This brings many unique challenges as court proceedings can drag on for many months or over a year. The expense of holding animals for so long as well as the medical and behavioral challenges to the animals are two significant problems that SB 77 aims to address.

How does SB 77 do this?

SB 77 creates a preliminary hearing within 14 days of the legal seizure of animals to ensure a conversation occurs in front of a Judge about the long-term care of the animals and to advocate for a speedy trial under existing NH law, which currently mandates that cases in which animals are held, receive priority.

Does SB 77 require a defendant to pay any money prior to a conviction?

No. It simply provides for an early pre-trial hearing to discuss the long term care of the animals. It also clarifies **existing law** which allows Judges to require a defendant to post a bond if a **convicted** defendant wants to retain ownership of the animals through an appeal process. Nothing in SB 77 changes the way in which animal cruelty cases are processed in NH.

What is the problem Senate Bill 161 will help solve?

While other entities are required to be licensed regardless of the number of animals they transfer, currently a breeder is only required to be licensed if he/she sells 10 or more litters of puppies or 50 or more puppies in one year. This threshold is both significantly higher than many states across the country and nearly impossible to enforce due to the difficulty in proving how many litters someone has sold. Currently, only seven breeders are licensed in NH. There have been six animal cruelty cases in just two and a half years involving unlicensed breeders, resulting in millions of dollars in animal care costs and the deaths of dozens of dogs.

How was the number 20 determined to be the right number for licensure?

While some stakeholders advocated for an even lower number, a threshold of 20 will align NH with neighboring New England states - though we will remain slightly higher than many of them. By more closely aligning with other states, we remove the temptation for unscrupulous breeders to move to NH such as in the Wolfeboro Great Dane case and the Alexandria German Shepherd case. Twenty is also the number that stakeholders, including veterinarians, feel represents a potential public health risk. This threshold excludes the majority of people who only breed once or twice per year but will ensure state oversight for those selling a high number of dogs or cats to the public.

Should existing laws just be better enforced?

We certainly support better systems for tracking the transfer of animals in NH, such as a modern database within the Department of Agriculture. However, without a lower threshold for licensed breeders and an enforceable definition based on the total transfer of animals, tracking alone will not prevent the large scale cruelty cases in the Granite State. None of the defendants involved in the six cases were required to be licensed because they did not meet the existing threshold of transferring 10 litters or 50 puppies per year.

How will this impact home-based operations?

It will only impact those who are transferring more than 20 dogs or cats in a 12-month period. In those cases, they will need to comply with the licensure requirements found in AGR Rules 1700. As a licensed entity, they will have to meet minimum standards of care, submit to an initial inspection and pay an annual licensing fee of \$200. There are over 80 licensed rescue organizations in NH, the majority of which operate out of their private homes, and are currently in compliance. SB 161 would require the same of NH breeders.

How will this new definition help prevent animal cruelty and protect taxpayers from the high costs to care for animals seized by law enforcement?

In at least two of the six animal cruelty cases involving unlicensed breeders, the defendants moved to NH from neighboring states with stronger regulations. They operated here without oversight until conditions deteriorated so severely that law enforcement was forced to obtain a search warrant and seize the animals. When an animal shelter, rescue organization, pet store, or breeder becomes a licensed pet vendor, a variety of protections go into effect including basic animal care standards for sanitation, access to water, and veterinary care. A pet vendor is also subject to an initial inspection by the Department of Agriculture and inspections if there are complaints received about the vendor. In each of the six large-scale cruelty cases, if the defendants had been licensed pet vendors, the Department of Agriculture would have had an opportunity to work with the owners to bring them into compliance.

How will SB 161 protect consumers?

Pet vendors are required to honor a basic return policy which provides for the reimbursement of the amount paid for an animal within 14 days if an adopter or purchaser brings the animal to a veterinarian and the animal is sick. It also provides potential adopters or purchasers the confidence that they are obtaining an animal from a licensed entity and not contributing to inhumane treatment of animals.