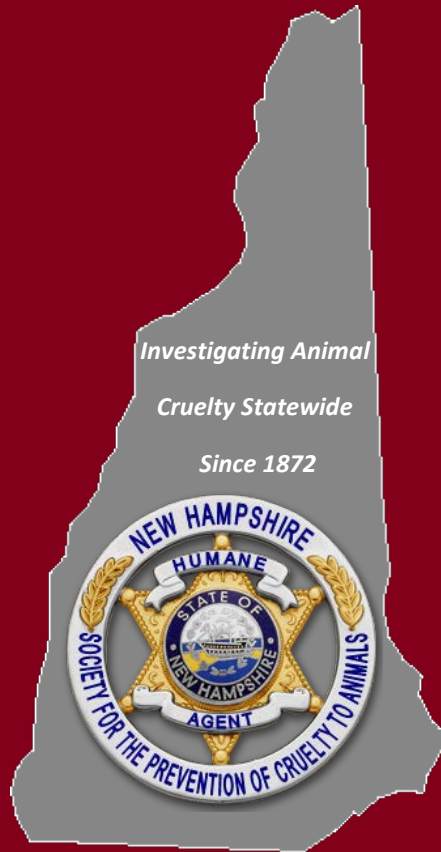


New Hampshire SPCA

New Hampshire Animal Related Laws Handbook



Reference book for NH Law Enforcement,
Animal Control and Humane Agents



2018 Edition

This handbook is intended to be a quick reference for NH Law Enforcement, Animal Control and Humane Agents. For a complete list of all NH laws, please refer to gencourt.state.nh.us/rsa. When using this handbook, please remember state administrative rules, federal law and local ordinances may also apply.

The NHSPCA offers investigative and sheltering resources to agencies throughout the state. Please contact the Field Services Department at 603-772-2921 x 111 or cruelty@nhspca.org.

The New Hampshire SPCA Field Services Department is proud to make this book available to individuals in the criminal justice field. We hope you will find it useful in your everyday work. Should you have any questions, please contact our office and we will be more than happy to answer them.

TABLE OF CONTENTS

TITLE III TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 31, POWERS AND DUTIES OF TOWNS

Power to make bylaws

31:39 Purpose and Penalties

CHAPTER 47, POWERS OF CITY COUNCILS

Aldermen

47:13 Executive Powers

47:14 Appointive Officers

47:15 Police Uniform

Bylaws And Ordinances

47:17 Bylaws and Ordinances

TITLE VII SHERIFFS, CONSTABLES, AND POLICE OFFICERS

CHAPTER 105 POLICE OFFICERS AND WATCHMEN

Domestic Animals

105:6 Police Regulations

105:14 Cruelty to Animals

105:15 Examination, etc

105:16 Expenses

105:17 Arrest

105:18 Special Deputies

TITLE X PUBLIC HEALTH

CHAPTER 147, NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE

Nuisances

147:13 Offensive Matter

147:17 Cleansing Premises; Penalty

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 163-B,

LITTER CONTROL LAW

163-B:1 Declaration of Intent

163-B:2 Definitions

163-B:3 Unlawful Activities

163-B:4 Penalties

163-B:5 Prima Facie Evidence

163-B:6 Enforcement

CHAPTER 161-F ELDERLY AND ADULT SERVICES

Companion Animals

161-F:30 Definitions

161-F:31 Authority

161-F:32 Damage Deposit

161-F:33 Owner's Responsibility

CHAPTER 167-D, HEARING EAR DOGS, GUIDE DOGS, SERVICE DOGS, AND SEARCH AND RESCUE DOGS Hearing Ear Dogs, Guide Dogs And Service Dogs

167-D:1 Definitions

167-D:2 Private Clubs, etc.

167-D:3 Dogs May Accompany

167-D:3-a Application of RSA 167-D:3 to Search and Rescue Dogs

167-D:5 Hearing Ear Dog, Guide Dog, or Service Dog Identified

167-D:6 Service Animal Trainer

167-D:7 Licensing

167-D:8 Prohibited Acts

167-D:9 Nonuse of Hearing Ear Dog, Guide Dog, or Service Dog

167-D:10 Penalty

CHAPTER 167-C, WHITE CANE LAW

167-C:3 Penalty

TITLE XVIII FISH AND GAME

CHAPTER 207, GENERAL PROVISIONS AS TO FISH AND GAME

Dogs

207:12-a Dog Training; Fee

207:12-b Restriction on Nonresident's Dog Training and Use of Dogs for Hunting

207:13 Field Trials

207:13-a Signs

207:13-b Treed Animals

Import, Possession, or Release of Wildlife

207:14 Import, Possession, or Release of Wildlife

207:39-a Shooting Domestic Animals; Liability Injuring Property or Person

207:46 Penalties

CHAPTER 209, GAME BIRDS; PIGEONS

Game Birds And Pigeons

209:4 No Open Season

209:5 Migratory Game Birds Falconry

209-A:1 Definitions

209-A:2 Purpose

209-A:3 Falconry

209-A:4 Penalty

CHAPTER 210, FUR-BEARING ANIMALS

Traps, Spring Guns, and Snares

210:11 Setting Traps

210:12 Time for

210:13 Visiting Traps

210:14 Disturbing Traps of Another

210:15 Protection of Bear Traps

210:16 Spring Guns

210:17 Snares

210:18 Damage to Domestic Animals Penalties

Penalties

210:19 Fines

CHAPTER 212-b, Nongame species management act

212-B:1 Title

212-B:2 Findings and Declarations

212-B:3 Definitions

212-B:4 Adoption of Rules

212-B:5 Conservation Programs

212-B:6 Fund Established; Continuing General Fund Appropriation to Match Donations

CHAPTER 215-A, OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS

215-A:29 OHRV Operation and License

TITLE XXI: MOTOR VEHICLES CHAPTER 264, ACCIDENTS AND FINANCIAL RESPONSIBILITY

Report Of Injury To Dog

264:31 Report of Injury to Dog

CHAPTER 265, RULES OF THE ROAD

Obedience To And Effect Of Traffic Laws

265:5 Persons Riding Animals; Driving Animal-Drawn Vehicles

265:104 Approaching Horses

TITLE XL: AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY

CHAPTER 427, LIVESTOCK AND MEAT INSPECTION

Humane Slaughter

427:33 Terms Defined

427:34 Prohibition

427:35 Prohibition

427:36 Penalty

427:37 Administration and Enforcement

427:38 Definitions

CHAPTER 435, ANIMAL CARE, BREEDING AND FEED

Breeding Animals

435:1 Certificate

435:2 Record

435:3 Neglect to Furnish

435:4 False Statement

435:5 Colts Less Than 90 Days Old Treatment of horses

435:11 Similar Animals

435:12 Proper Care

435:13 Proper Feeding

435:14 Shelter Available
435:15 Veterinarian Services and Probable Cause Determinations
435:15-a Rulemaking
435:16 Penalty
Feeding Garbage to Swine
435:32 Definitions
435:33 Permit
435:34 Application
435:35 Revocation
435:36 Cooking or Other Treatment
435:36-a Quarantine Required
435:37 Inspection and Investigation; Maintenance of Records
435:38 Cooperation with the Federal Government
435:39 Enforcement; Rulemaking
435:40 Penalties

CHAPTER 436, DISEASES OF DOMESTIC ANIMALS

436:1 Definitions
436:2 Division of Animal Industry
436:3 Record to be Kept
436:4 Report
436:5 Assistance; Rules
436:6 Federal Cooperation

State Veterinarian

436:7 Appointment
436:8 Powers
436:9 Salary and Expenses

Importation of Bovines

436:10 Regulated
436:11 Permits
436:12 Notice of Arrival
436:13 Examination

436:14 Calves

436:15 Release from Quarantine

436:16 Diseased Animals

436:17 Disposal of Carcasses

436:18 Witnessing Disposal

436:19 Hides

436:20 Proceeds of Carcasses

Importation of tested bovines

436:21 Without Quarantine

436:22 Accredited Cattle

436:23 Retesting

Importation of Other Domestic Animals

436:24 Rulemaking

436:25 Diseased Animals

436:26 Expense of Examination, etc.

Permits to those on state line or shipping interstate

436:27 Permits To Drive Animals

436:28 Issuance of Health Certificates

436:29 Penalty

436:30 Interstate Transportation

Investigations and Reports

436:31 Investigations

436:32 Aid

436:33 Notice to Commissioner

Quarantine

436:34 Quarantine of Animals

436:35 Quarantine of Premises

436:36 Quarantine of Locality

436:37 Destroying Notice of Quarantine

436:38 Penalty for Violations

436:39 Examinations

Disposal of Diseased Animals

436:40 Test; Slaughter

436:41 Expense

Tests on Application of Owner, Vaccination

436:42 By Commissioner

436:43 Application

436:44 Examination; Disposal

436:45 Expense; Indemnity

436:46 Surveillance Tests

436:47 Vaccination Against Brucellosis

436:48 Alternate Plan

436:49 Pasteurization of Milk from Herds Adopting Alternate Plan

Private Tests

436:50 Report

436:51 Contents

436:52 Reactors

436:53 Penalty for Failure to Report

436:54 Examination; Report Appraisal And Indemnity

436:55 Appraisers

436:56 Valuation

436:57 Importations

436:58 Concealment

436:59 Certificates

436:60 Payments

436:61 Limitation

Retention for Breeding Purposes

436:62 Quarantine

436:63 Killing

436:64 No Compensation

436:65 Milk of Retained Animals

436:66 Offspring

436:67 Premises

436:68 Sale

Marks and Records for Tested Animals

436:69 Sound Animals

436:70 Reactors

436:71 Tags

436:72 Records

436:73 Penalty

Sale of Diseased Animals

436:74 Penalty

436:75 Contract of Sale

436:76 Permit for Removal

Report of Animals Killed

436:77 Making

436:78 Exception

436:79 Penalty

Sale of Vaccines

436:80 Label

436:81 Virulent Hog Cholera Virus Prohibited

436:82 Exception

Penalties

436:83 Interference With Tests

436:84 General Penalty

436:85 Veterinarians

Livestock Events

436:86 Definitions; Doping and Stimulating Prohibited

436:87 Test Authorize

436:88-a Penalty

436:90 Rulemaking

Veterinary Diagnostic Laboratory

436:92 Veterinary Diagnostic Laboratory

Equine Infectious Anemia

436:93 Definitions

436:94 Requirement for a Second Test

436:95 Equines Imported Into New Hampshire; Testing Requirements

436:96 Equine Reactors; Rulemaking

436:98 Penalty

Rabies Control

436:99 Definitions.

436:100 Rabies Vaccination Required

436:101 Owner's Statement

436:102 Duties of Veterinarian

436:103 Cost

436:104 Transient Dogs, Cats, or Ferrets

436:105 Impoundment of Dog Rabies Suspects

436:105-a Impoundment of Cat Rabies Suspects

436:105-b Impoundment of Ferret Rabies Suspects

436:105-c Police Dogs

436:106 Handling of Dogs, Cats, and Ferrets Bitten by Rabid Animals

436:107 Impoundment of Dog Without Tag

436:108 Enforcement.

436:109 Penalty

CHAPTER 437, SALE OF PETS AND DISPOSITION OF UNCLAIMED ANIMALS

Sale of Animals and Birds

437:1 License Required

437:2 Definitions

437:3 Licenses

437:4 Prohibition

437:5 Rulemaking

437:6 Information to be Furnished

437:7 Exception

437:8 Inspections

437:9 Penalty

Importation and Sale

437:10 Dogs, Cats, and Ferrets

437:11 Importation and Sale Violation

437:13 Examination by Licensed Veterinarian

Breeder's Health Certificate for Cats

437:13-a Health Certificate for Dogs, Cats and Ferrets

Sale, Gift, or Display of Certain Birds and Rabbits

437:14 Artificial Coloring

437:15 Sale or Gift

437:16 Conditions of Keeping and Display

437:17 Penalty

Unclaimed and Abandoned Animals

437:18 Definitions

437:19 Notice to Owner; Reclaiming of Animals

437:20 Disposition of Abandoned Animals

437:21 Duty of Operator

437:22 Experimentation and Vivisection Prohibited

Animal Population Control

437-A:1 Definitions

437-A:2 Program Established

437-A:3 Eligibility of Owner of Dog or Cat to Participate

437-A:4 Veterinarian Participation

437-A:4-a Fund Established; Solicitation and Acceptance of Funds

437-A:5 Rulemaking

437-A:6 Enforcement; Administrative Fine

TITLE XLV ANIMALS CHAPTER 466, DOGS AND CATS

Licensing of Dogs

466:1 Procuring License; Tag

466:1-a Vaccination Required

466:1-b Rabies Certificate

466:1-c Authorization to Issue Licenses; Local Law Enforcement Officers

466:2 Part of Year

466:3 Transfer

466:4 Fees

466:5 Disposal of Fees

466:6 Group Licenses

466:7 Additional Charge Where Payment of License Fee is Delayed

466:8 Exemption From

466:9 Payment of Fees

466:11 Records

466:12 Account

466:13 Forfeiture

466:13-a Licensing of Cats

Unlicensed Dogs

466:14 Warrants; Proceedings

466:15 Fees

466:16 Returns

466:18-a Title to Unlicensed Dogs in Humane Societies

Remedies and Penalties for Injuries Done by Dogs

466:19 Liability of Owner or Keeper

466:28 Killing Dogs Legalized

Muzzling and Restraining Dogs

466:29 Order; Rabies Epidemic

466:30 Special Notice

466:30-a Dog Control Law

466:31 Dogs a Menace, a Nuisance or Vicious

466:31-a Penalties

466:32 Officers' Fees

Damages to Game

466:33 Dogs at Large

466:34 Pursuing Game, etc

466:35 Maiming Game

466:36 Killing Dogs Penalties, etc.

466:37 Official Neglect

466:38 How Recoverable

466:39 City or Town Bylaws

Miscellaneous

466:40 Mutilation Prohibited

466:40-a Possession of Cropped Dog

466:42-a Stealing Dogs, etc

466:42-b Civil Recovery

466:44 Restaurants and Food Store

466:45 Responsibility of Cities and Towns

Guard Dogs in Commercial Establishments

466:46 Definitions

466:47 License

466:48 Registration

466:49 Registration Fee

466:50 Registration Requirements

466:51 Inspections

466:52 Hearing

466:53 Notification to Local Agencies

466:54 Penalty

CHAPTER 466-A, WOLF HYBRIDS

466-A:1 Definitions

466-A:2 General Applicability

466-A:3 Prohibitions

466-A:4 Vaccination

466-A:5 Confinement

466-A:5-a Rulemaking Authority

466-A:6 Penalty; Administrative Fines

CHAPTER 467, RUNNING AT LARGE

467:1 Bull

467:1-a Stallions

467:2 Ram

467:3 Wild Boar

467:4 Abatement

467:5 Liability

467:6 Nature of Remedy

CHAPTER 468, ANIMAL BRANDS AND MARKS

468:1 Marks; Record

468:2 Altering Brand, etc

TITLE LII ACTIONS, PROCESS, AND SERVICE OF PROCESS

CHAPTER 508, LIMITATION OF ACTIONS

508:19 Liability; Equine Activities

TITLE LXII CRIMINAL CODE

CHAPTER 634, DESTRUCTION OF PROPERTY

634:3 Unauthorized Use of Propelled Vehicle or Animal

CHAPTER 635, UNAUTHORIZED ENTRIES

635:3 Trespassing Stock

635:4 Prescribed Manner of Posting

635:5 Penalty

CHAPTER 637, THEFT

637:9 Unauthorized Use of Propelled Vehicle or Rented Property

CHAPTER 638, FRAUD

638:8 Sports Bribery

CHAPTER 644, BREACHES OF THE PEACE AND RELATED OFFENSES

644:8 Cruelty to Animals

644:8-a Exhibitions of Fighting Animals

644:8-aa Animals in Motor Vehicle

644:8-b Docking Tail of Horse

644:8-c Animal Use in Science Classes and Science Fairs

644:8-d Maiming or Causing the Death of or Willful Interference With Police Dogs or Horses

644:8-e Willful Interference With Organizations or Projects Involving Animals or With Animal Facilities

644:8-f Transporting Dogs in Pickup Trucks

644:8-g Bestiality

644:16 Exposing Poisons

**TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

**CHAPTER 31
POWERS AND DUTIES OF TOWNS**

Power to Make Bylaws

31:39 Purpose and Penalties. –

I. Towns may make bylaws for:

(a) The care, protection, preservation and use of the public cemeteries, parks, commons, libraries and other public institutions of the town;

(b) The prevention of the going at large of horses and other domestic animals in any public place in the town;

II. Towns may appoint all such officers as may be necessary to carry the bylaws into effect.

III. Towns may enforce the observance of the bylaws by suitable penalties not exceeding \$1,000 for each offense to enure to such uses as the town may direct.

**CHAPTER 47
POWERS OF CITY COUNCILS**

Aldermen

47:13 Executive Powers. – The executive powers of the city and the administration of police, except where vested in the mayor, shall be exercised by the mayor and aldermen; and they shall have the powers, and do and perform all the duties, which the selectmen of towns have, and are authorized or required to do and perform in regard to their towns, unless it is otherwise provided by law.

**CHAPTER 47
POWERS OF CITY COUNCILS**

Aldermen

47:14 Appointive Officers. – They shall appoint a city marshal, and one or more assistant marshals if they think it necessary, a collector of taxes, constables, police officers and watchmen, and may remove them from office for sufficient cause; and may require the marshal and constables, before entering on their duties, to give bonds, with sufficient sureties to any reasonable amount, upon which like proceedings and remedies may be had as in case of bonds required to be given by constables of towns.

**CHAPTER 47
POWERS OF CITY COUNCILS**

Aldermen

47:15 Police Uniform. – It shall be the duty of the mayor and aldermen to fix and determine a suitable and appropriate uniform for the marshal, assistant marshal and police officers by them appointed, and to designate such badges and other marks of their official character as they may deem expedient.

**CHAPTER 47
POWERS OF CITY COUNCILS**

47.17 Bylaws and Ordinances

X. Stock at Large. To regulate, restrain, or prohibit the keeping or running at large of horses, cattle, sheep, swine, geese, goats and other poultry and animals, or any of them, to create the limits of districts within which the same may be kept and the conditions and restrictions under which they may be kept.

XI. Dogs. To regulate the keeping of dogs and their running at large, require them to be licensed, and authorize the destruction of those kept or running at large contrary to the ordinance.

**TITLE VII
SHERIFFS, CONSTABLES, AND POLICE OFFICERS**

**CHAPTER 105
POLICE OFFICERS AND WATCHMEN**

105:6 Police Regulations. – The police officers of a town may make regulations for the stand of hacks, drays, public automobiles, and carts, in any street, lane, or alley; for the height and position of any awning, shade, or fixture in front of or near a building; and respecting any obstruction in any street, lane, or alley, or in any stable or other outbuilding.

Domestic Animals

105:14 Cruelty to Animals. – Whenever an officer makes an arrest upon view, or upon a warrant for a violation of any provision of RSA 441:4-a, he may take into his possession the animal which is the subject of such cruelty, and if the owner has no knowledge of such taking he shall give him notice forthwith.

Domestic Animals

105:15 Examination, Etc. – Whenever an officer shall take any such animal into his possession, which appears by reason of age, injury or other cause to be disabled for use, said officer shall call upon 3 disinterested citizens, who, under oath, shall examine such animal, and if they shall find such animal to be disabled for use said officer shall at once cause such animal to be killed.

Domestic Animals

105:16 Expenses. – All expenses incurred under RSA 105:14 and 15 shall be paid by the owner of such animal, and may be collected by an action on the case, or by enforcing a lien upon the animal.

Domestic Animals

105:17 Arrest. – If any person shall be found violating the laws in relation to cruelty to animals he may be arrested and held without warrant, in the same manner as in case of persons found breaking the peace.

Domestic Animals

105:18 Special Deputies. – Any officer or agent of any incorporated society for the prevention of cruelty to animals, upon being designated in writing for that purpose by the sheriff of any county in this state, may, within such county, make arrests and bring before any court or magistrate having jurisdiction offenders found violating the provisions of this subdivision.

TITLE X PUBLIC HEALTH

CHAPTER 147 NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE

147:13 Offensive Matter. – If a person shall place, leave, or cause to be placed or left, in or near a highway, street, alley, public place, or wharf or on a private disposal site or shall allow to be exposed unburied, any animal or other substance liable to become putrid or offensive, or injurious to the public health or deposits garbage or refuse on premises not designated for waste disposal in accordance with RSA 149-M or other provisions of law, such person shall be guilty of a violation, and the health officer shall remove or cause to have removed the same. Nothing in this section shall be construed as affecting authorized collections of garbage or refuse for public dumping facilities.

147:17 Cleansing Premises; Penalty. – Whenever a building, tenement or room occupied as a dwelling or schoolroom, or any cellar or other appurtenance connected therewith, has become the source of danger to the health of its occupants or others from want of cleanliness the health officers may order the owner, the owner's agents or the occupants, or any of them, to cleanse and put the same in proper sanitary condition, and the occupants to quit the same, within a time limited. If the person so ordered does not cleanse the same as ordered the health officers may do so, and may recover the expense thereof, together with their fees, of the owner; or they may order the same to be closed and to remain so until properly cleansed. Any person who shall fail to comply with an order of the health officers made under the authority of this section, after receiving due notice thereof, shall be guilty of a misdemeanor.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 163-B LITTER CONTROL LAW

163-B:1 Declaration of Intent. – It is the intention of the legislature by this chapter to provide for uniform prohibition throughout the state of any and all littering on public or private property and to curb thereby the desecration of the beauty of the state and harm to the health, welfare and safety of its citizens caused by individuals who litter.

163-B:2 Definitions. – As used in this chapter, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:

I. The word "litter" means all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description.

163-B:3 Unlawful Activities. – It shall be unlawful for any person or persons to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this state, or in or on ice or in any waters in this state, unless:

I. Such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;

II. Such litter is placed into a litter receptacle or container installed on such property;

III. Such person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.

163-B:4 Penalties. –

I. Any person violating the provisions of RSA 163-B:3, shall be guilty of a misdemeanor, or, in lieu thereof, in the sound discretion of any court in which conviction is obtained, any such person may be directed by the judge of such court to pick up and remove from any public street or highway or public or private right-of-way, or public beach or public park, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it has been established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

II. The court is hereby directed to publish the names of persons convicted of violating the provisions of RSA 163-B:3.

163-B:5 Prima Facie Evidence. – Evidence that litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of RSA 163-B:3, shall be prima facie evidence that the operator of said conveyance shall have violated this chapter and the license to operate such a conveyance issued to any person convicted hereunder may be suspended for a period not to exceed 7 days together with, or in lieu of, penalties provided in RSA 163-B:4.

163-B:6 Enforcement. – All law enforcement agencies and officers and officials of said agencies of this state or any political subdivision thereof are hereby authorized, empowered, and directed to enforce compliance with this chapter.

**TITLE XII
PUBLIC SAFETY AND WELFARE**

**CHAPTER 161-F
ELDERLY AND ADULT SERVICES**

Companion Animals

161-F:30 Definitions. – In this subdivision:

I. "Animals" means common domesticated household animals limited to: dogs, cats, caged birds, and aquarium fish.

II. "Housing for the elderly" means public housing facilities financed by either the state or federal government to provide living accommodations for persons 60 years of age or older but shall not include nursing homes or high-rise apartment buildings.

161-F:31 Authority. – Any housing for the elderly shall permit the tenants of each housing project upon petition of 10 percent of all the tenants to determine by a simple majority vote of those voting whether or not to allow the tenants in their building to have companion animals, provided that a 6-month period elapses between votes and that a subsequent vote shall not affect animals already on the premises which were permitted by a previous vote. If the vote

permits tenants to maintain companion animals on the premises, the tenants shall adopt, with input from building management, rules relative to reasonable limitations and restrictions to be imposed for maintaining a companion animal that is not covered by RSA 161-F:33. Any complaints regarding a tenant's companion animal shall be handled in the same manner as any other tenant complaint and pursuant to the provisions of RSA 466:31.

161-F:32 Damage Deposit. – If companion animals are permitted, tenants desiring to have them as pets shall post, with the management of the building, a damage deposit which shall be a sum of money not to exceed 1 1/2 times the amount of a month's rent paid by the tenant.

161-F:33 Owner's Responsibility. – The tenant owner of a companion animal shall have the following responsibilities:

I. (a) To provide the management with a signed agreement with some person, or other legal entity, other than another tenant, that such person or legal entity shall act as a temporary or permanent caretaker for the companion animal if the owner cannot care for it, whether temporarily or permanently.

(b) The signed agreement shall also permit management to implement the agreement referred to in subparagraph (a), if the animal is not cared for properly or is abused in any manner.

II. To provide the management with a veterinarian certificate stating that the animal is in good health and, if the animal is a cat or a dog, that it has been neutered or spayed, as applicable.

III. To be totally responsible for the care and cleanliness of the companion animal whether within the owner's building, on the building grounds, or on adjacent property.

IV. To be limited to no more than one companion animal per apartment, with the exception of birds and aquarium fish.

V. To abide by any local ordinances that may affect the custody of certain companion animals.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 167-D SERVICE ANIMALS AND SEARCH AND RESCUE DOGS

167-D:1 Definitions. – As used in this chapter:

I. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

II. "Public facility" means any place of public accommodation and any street, highway,

sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally, or customarily permitted or invited.

III. A "place of public accommodation" shall mean, but shall not be limited to, any tavern roadhouse, hotel, motel, or trailer camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation, or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice, and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage; any public conveyance operated on land or water, or in the air, or any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or any other place of amusement; any comfort station; any dispensary, clinic, or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the state board of education, or the commissioner of education of the state of New Hampshire.

IV. "Service animal" means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

V. "Service animal trainer" means any person who is employed to train dogs for or is volunteering to raise dogs for a provider of service animals for persons with disabilities or an individual trainer who helps a person with disabilities to train his or her own service animal or an individual trainer who tests an animal to verify its eligibility for the New Hampshire service animal tag.

VI. "Search and rescue dog" means any dog which has been trained to perform typical search and rescue operations and is certified by a competent authority or holds a title from a competent authority or organization recognized by the office of the governor, the department of safety, the department of fish and game, or the Federal Emergency Management Agency or its successor agency.

167-D:2 Service Animal Duties. –

I. The work or tasks performed by a service animal shall be directly related to the handler's disability. Work and tasks may include, but is not limited to:

- (a) Assisting individuals who are blind or have low vision with navigation and other tasks.
- (b) Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
- (c) Providing nonviolent protection or rescue work.
- (d) Pulling a wheelchair.

- (e) Assisting an individual during a seizure.
- (f) Alerting individuals to the presence of allergens.
- (g) Retrieving items such as medicine or a telephone.
- (h) Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
- (i) Helping persons with psychiatric and neurological disability by preventing or interrupting impulsive or destructive behaviors.

II. The crime deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this chapter.

167-D:3 Private Clubs, Etc. – Nothing herein contained shall be construed to include or apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his or her control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or postsecondary school from using good faith criteria other than race, creed, color, national origin, ancestry, or disability in admission of students.

167-D:4 Service Animals May Accompany. – It is lawful for any service animal to accompany his or her handler or trainer into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

167-D:5 Application of RSA 167-D:4 to Search and Rescue Dogs. – The provisions of RSA 167-D:4 shall also apply to dogs involved in search and rescue missions at the request of a government agency when such dogs are in the course of, or traveling to or from the scene of, their official duties.

167-D:6 Service Animal Trainer. – A service animal trainer, while engaged in the actual training process and activities of such animals, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to persons with disabilities using a service animal.

167-D:7 Licensing. – Service animals shall be licensed as provided in RSA 466.

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.

167-D:9 Nonuse of Service Animal. – A person with a disability not using a service animal in any of the places, accommodations, or conveyances listed in RSA 167-D shall have all of the rights and privileges conferred by law upon other persons; and the failure of a person with a disability to use a service animal in those places, accommodations, or conveyances shall not be held to constitute nor be evidence of contributory negligence.

167-D:10 Penalty. –

I. Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to enhanced penalties in paragraphs II and III.

II. It is a misdemeanor if a person willfully causes physical injury to a service animal or willfully allows his or her animal to cause physical injury to a service animal. If the physical injury to a service animal is severe enough that a veterinarian or service animal trainer determines that the service animal is incapable of returning to service, that person shall be guilty of a class A misdemeanor.

III. In any case where a person is convicted of harming a service animal as described in paragraph II, he or she may be ordered by the court to make restitution to the person or agency owning the animal for any bills for veterinary care, the replacement cost of the animal if it is incapable of returning to service, and the salary of the service animal handler or trainer for the period of time his or her services are lost to the agency or self employment.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 167-C WHITE CANE LAW

167-C:3 Penalty. – Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with the admittance to or enjoyment of the public facilities enumerated in RSA 167-D or otherwise interferes with the rights of a totally or partially blind or otherwise disabled person as provided in RSA 167-C or RSA 167-D shall be fined not more than \$25

**TITLE XVIII
FISH AND GAME**

**CHAPTER 207
GENERAL PROVISIONS AS TO FISH AND GAME**

Dogs

207:12-a Dog Training; Fee. –

I. Any person who is licensed to hunt within the state may be issued a training permit for the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except deer, moose, caribou, elk, lynx, cougar, bobcat, and turkey, upon application and the payment of a fee. The executive director shall adopt rules pursuant to RSA 541-A, relative to the amount of the fee for the training permit and the period for the training of bear dogs. Notwithstanding the provisions of this paragraph, field trials shall be permitted pursuant to RSA 207:13.

II. Permits issued pursuant to this section shall contain information pertaining to the breed of dogs to be trained, the township and location where training is to take place, the days of the week, and times in which training will take place. Members of a bona fide dog club who maintain and stock a specific area of club grounds for the training of dogs or conducting of field trials, and whose right to use said land for this purpose is derived through ownership, lease or club-land owner agreement, shall not be required to have a permit under this section but shall be required to meet the requirements for a breeder's license as provided in RSA 212:25.

III. Dogs being trained pursuant to this section shall be accompanied by the permittee. "Accompanied" for the purpose of this section shall mean that the permittee must be able to see or hear the dog, or both, or have reasonable knowledge of where the dog is hunting. Nothing in this section shall require that the dog be within sight at all times.

IV. Anyone violating a provision of this section shall be subject to the penalty provided for in RSA 207:46 and shall, in addition, have his license to hunt suspended for a period of one year; and the license to train dogs under the permit provided for in this section shall be suspended for a period of 3 years.

V. Any protected species accidentally killed during dog training under this section shall be turned over to the fish and game department intact within 48 hours of the time of taking.

VI. Notwithstanding any other law to the contrary, the executive director of fish and game shall have the authority to issue special permits for the use of bear dogs to control agricultural and property damage.

207:12-b Restriction on Nonresident's Dog Training and Use of Dogs for Hunting Bear. –

I. Notwithstanding RSA 207:12-a, nonresidents from states or provinces or territories of Canada which allow the training or taking of bear with dogs, and who do not limit or prohibit New Hampshire residents from training or hunting bear with New Hampshire dogs, shall be the only nonresidents allowed to bring dogs into New Hampshire to train or take bear.

II. For the purposes of this section, the executive director shall determine the states,

provinces or territories which prohibit or limit New Hampshire residents from the training or use of dogs for hunting bear. Such determination as to the degree of reciprocity shall be final.

207:13 Field Trials. –

I. Field trials for dogs may be held at such times, in such manner, and under such restrictions, as may be prescribed by the executive director. Any person wishing to hold a field trial shall first obtain a written permit from the person on whose land it is proposed to hold the trial, present the same to the executive director, and pay a fee set by the executive director pursuant to RSA 206:10, I, including field trials for coon dogs and such night hunts for coon dogs as authorized by paragraph II. The executive director may thereupon issue a permit for such field trial. The executive director or his duly authorized agent shall supervise the holding of such field trial, enforce the terms of the permits, and the rules for its conduct. The executive director shall adopt rules under RSA 541-A for the conduct of field trials as in his or her opinion are necessary to safeguard the interest of the wildlife of the state, provided that the executive director shall issue permits for beagle trials to any beagle club recognized by the American Kennel Club for trials to be run under the rules and regulations of the American Kennel Club. The fee for this permit shall be set by the executive director pursuant to RSA 206:10, I. The executive director or his or her authorized agent shall enforce the terms of such permits.

II. The executive director shall issue permits for night hunts to any coon club recognized by the United Kennel Club. Such night hunts shall be run under the rules and regulations of the United Kennel Club. Night hunts may take place in various selected locations throughout the state except on posted lands. Anyone may participate in the night hunts.

207:13-a Signs. – Any person, when hunting with dogs is permitted, may post along highways not more than 2 signs reading "Caution Hunting Dogs". These signs shall be 12 inches wide by 12 inches high with blaze orange letters on a yellow background and must be 40 inches over-all height, and shall be posted no more than 1,000 feet apart. Such hunter shall bear the cost and maintenance of his signs and shall not block driveways, intersections or rights of way with said signs. No such signs shall be posted on private roads or lands without permission of the owner. When not hunting, the owner of said signs shall remove the same.

207:13-b Treed Animals. – It shall be unlawful for any person to shoot any wildlife which has been treed or cornered by a dog, unless the owner of said dog, or a member of his hunting party, is present when the animal is shot. Persons violating the provisions of this section shall be guilty of a misdemeanor.

**TITLE XVIII
FISH AND GAME**

**CHAPTER 207
GENERAL PROVISIONS AS TO FISH AND GAME**

Import, Possession, or Release of Wildlife

207:14 Import, Possession, or Release of Wildlife. –

I. No person shall import, possess, sell, exhibit, or release any live marine species or wildlife, or the eggs or progeny thereof, without first obtaining a permit from the executive director except as permitted under title XVIII. The executive director shall have the authority to determine the time period and any other conditions governing the issuance of such permit. The executive director may refuse to issue a permit if he determines that such issuance may pose significant disease, genetic, ecological, environmental, health, safety, or welfare risks to persons, marine species or wildlife.

II. The executive director shall adopt rules, pursuant to RSA 541-A, to administer this section and relative to the importation, possession, exhibition, sale or release of all marine species and wildlife, including, but not limited to:

- (a) Size, sex, number and quantity.
- (b) Transportation, within or through the state of New Hampshire.
- (c) Sale, inspection, processing, recordkeeping and marking.
- (d) Method of keeping.
- (e) Areas of release.
- (f) Method of release.
- (g) Method of taking.
- (h) Permit fee schedules.
- (i) Appropriate definitions.

III. The executive director may establish a list of marine species or wildlife or the eggs or progeny of such marine species or wildlife which may be exempted from any or all of the provisions of RSA 207:14.

IV. Except where otherwise provided, any person who violates this section or any rule adopted under this section shall be guilty of a violation and guilty of an additional violation for each marine species or wildlife possessed contrary to the provisions of this section.

207:39-a Shooting Domestic Animals; Liability. – Any person, while actually engaged in hunting or in the pursuit of wild animals or wild birds, who causes death, injury, or damage to domestic animals, ducks, or fowl shall be liable for damages to the owner of the animals.

207:46 Penalties. –

I. Any person who violates a provision of this chapter, or any rule or regulation of the executive director, shall be guilty of a violation, except where otherwise provided, and an additional violation for each fish, bird or animal, or part thereof bought, sold, offered for sale or transported contrary to the provisions thereof.

II. [Repealed.]

III. Any person convicted of setting or having under his control a set gun as prohibited by RSA 207:10 shall be guilty of a misdemeanor.

TITLE XVIII FISH AND GAME

CHAPTER 209 GAME BIRDS; PIGEONS

209:4 No Open Season. – There shall be no open season for spruce grouse, upland plover, ptarmigan, and mourning dove (*Zenaida macroura*).

209:5 Migratory Game Birds. – Anatidae or waterfowl, including wild ducks and geese; Rallidae or rails, including coot and gallinules; Limicolae or shore birds, including plover, snipe and yellow legs; and Scolopacidae or woodcock are declared to be migratory game birds.

CHAPTER 209-A FALCONRY

209-A:1 Definitions. – In this chapter:

- I. "Department" means the department of fish and game.
- II. "Executive director" means the executive director of the department of fish and game.
- III. "Falconry" means the sport of taking quarry by means of a trained raptor.
- IV. "Raptor" means a live migratory bird of the family Accipitridae or of the family Falconidae.

209-A:2 Purpose. – Notwithstanding RSA 207:3 or any law to the contrary, the general court recognizes that falconry is a legal means of taking game and a legal basis for keeping otherwise protected raptorial birds.

209-A:3 Falconry. –

I. Notwithstanding RSA 207:14 and in accordance with any applicable federal regulations, the executive director may issue falconry permits for the capture and possession of raptors for falconry purposes, raptor propagation, or for salvage or rehabilitation purposes. No person shall engage in the sport of falconry without a valid falconry permit and applicable license to hunt issued under RSA 214. The initial fee for a falconry permit shall be \$50 and renewal fees and procedures for issuance of permits shall be established under rules adopted by the executive director, with the approval of the fish and game commission, pursuant to RSA 541-A.

II. Revenues from fees and renewals under paragraph I shall be deposited in the nongame species account established in RSA 212-B:6.

III. The executive director, with the consent of the commission, may establish, by rules under RSA 541-A, an open season or closed season for the taking of certain game animals, game birds, and small game by the use of raptors in falconry in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the length of the season, bag limits, and methods of taking.

IV. Any person permitted under this section shall be exempt from the requirements of RSA 207:14, when the permittee's activities pertain to falconry.

209-A:4 Penalty. – Any person who violates any provision of this chapter shall be guilty of a violation.

**TITLE XVIII
FISH AND GAME**

**CHAPTER 210
FUR-BEARING ANIMALS**

Traps, Spring Guns, and Snares

210:11 Setting Traps. –

I. No person shall set, arrange or tend any trap upon any land or from the shores of any waters of which he is not the owner or occupant, except such traps as may be placed under water from a boat or canoe or through the ice on any public body of water as defined in RSA 271:20 or on the following named rivers, Androscoggin, Ammonoosuc, Ashuelot, Bear Camp, Contoocook, Connecticut, Cochecho, Exeter, Lamprey, Mascoma, Merrimack, Merrymeeting, Islinglass, Pemigewasset, Pine, Saco, Soucook, Suncook, Winnepesaukee and their navigable tributaries, until he has secured from the owner or occupant a permit in writing signed by said owner or occupant, and until he shall have filed with the conservation officer in whose district said person is going to trap, a copy thereof, together with a description of the land on which trapping is to be done. Navigable tributary as used in this section shall be defined as those waters from the mouth of said tributary to a point upstream where a person can row a boat or paddle a canoe when the water in the stream is in its ordinary condition.

II. All metal traps shall have the name of the person setting them, either stamped or engraved in a legible and permanent manner on the trap or on a durable tag securely affixed to the metal trap or chain holding said trap.

III. No person shall set or arrange any trap in a public way, cart road or path commonly used as a passageway by human beings or domestic animals.

IV. The executive director, with the approval of the commissioner of the department of transportation in the case of Class I, II or III highways, and of the municipality in the case of Class IV, V or VI highways, is authorized to issue special permits allowing the setting of traps for a specified period of time and in a specific location under or in the vicinity of bridges or in artificial or natural ditches or drainage systems or in the vicinity of any combination of such within the limits of the right-of-way of any public highway if such trapping is desirable to protect the highway.

210:12 Time for. – No person shall set or arrange any trap prior to the first day of the open season for trapping any particular fur-bearing animal.

210:13 Visiting Traps. – Notwithstanding any other law to the contrary, a person shall visit his traps at least once in each calendar day, provided, however, that a person trapping for beaver through the ice during the open season therefor, shall visit his traps once in each 72 hours. Trappers shall be permitted to use artificial lights during the hours of darkness to facilitate the checking of traps under this section, subject to the following restrictions: no person shall check traps at night by the use of a rifle, revolver, or pistol larger than a .22 caliber long rifle or by use of shotgun shells carrying shot larger than number 4 birdshot; and checking traps by the use of lights from a motor vehicle shall be prohibited. Only a person whose name is either stamped or engraved on the traps or on a durable tag securely affixed to the traps shall have the authority to tend the traps. In case of an emergency, the owner of the traps may grant written permission to another duly licensed trapper to tend the traps.

210:14 Disturbing Traps of Another. – No person shall disturb the trap of another, nor take a fur-bearing animal from the trap of another unless an owner shall have complied with the authorization provisions of RSA 210:13. Any person taking a fur-bearing animal from a trap set by another without complying with RSA 210:13 shall be deemed guilty of theft by unauthorized taking or transfer and punishable accordingly.

210:15 Protection of Bear Traps. – A person who sets or causes to be set a bear trap shall build in a suitable manner, and maintain around the same, a railing or guard not less than 3 feet high, and shall post not less than 2 painted signs, with the words "Bear Trap" thereon in letters not less than 3 inches in height, on such railing or guard.

210:16 Spring Guns. – No person shall set or use at any time any device, the object of which is to discharge a firearm, for the purpose of taking game or fur-bearing animals.

210:17 Snares. – The executive director may adopt rules, under RSA 541-A, relative to the use of snares for the taking of wildlife.

210:18 Damage to Domestic Animals. –

I. Any person causing injury or damage to domestic animals, except for dogs at large pursuant to RSA 466:33, by the aid or use of traps shall be liable to the owner therefor. An injury to a licensed dog at large shall be reported to the town or city listed on the dog's tag, and to the owner of the dog if identifiable.

II. Any person engaged in the act of trapping in violation of the laws or rules governing trapping under this title resulting in the death of a domestic animal shall be guilty of a violation. Upon conviction, and in addition to any other penalty, the person's trapping license shall be revoked for a period up to 3 years. Prior to the restoration of such person's ability to apply for a license or permit to trap, the person shall show successful completion of a trapping education program pursuant to RSA 210:25.

Penalties

210:19 Fines. – Any person who violates a provision of this chapter is subject to the following penalties:

I. For each offense under RSA 210:1-4 inclusive, and RSA 210:11-14, inclusive, a person shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and for each otter, mink, muskrat, raccoon, sable, marten or fisher taken or possessed contrary to the provisions thereof, any person shall be guilty of an additional violation.

II. For each offense of RSA 210:15 and 210:16, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and such person shall be liable for twice the amount of the damage caused by his act, to be recovered by the person or his estate sustaining the injury or loss.

III. For each offense under RSA 210:17, a person shall be guilty of a violation.

TITLE XVIII FISH AND GAME

CHAPTER 212-B NONGAME SPECIES MANAGEMENT ACT

212-B:1 Title. – This chapter shall be known and may be cited as the "Nongame Species Management Act".

212-B:2 Findings and Declarations. – The legislature finds and declares that:

I. New Hampshire's wildlife resources include more than 300 vertebrate species which normally breed in the state, and an additional 120 bird species which occur as transients, migrants, or wintering populations. Of these 420 species, about 60 are considered furbearers, game birds or mammals, or sport fish.

II. Native wildlife constitutes an invaluable natural resource with ecological, scientific, educational, historical, recreational, economic, and aesthetic values to the citizens of New Hampshire.

III. It shall be the policy of the state to maintain and manage this resource for future generations.

212-B:3 Definitions. – In this chapter:

I. "Nongame act" means the federal Fish and Wildlife Conservation Act of 1980, P.L. 96-366, as amended.

II. "Executive director" means the executive director of the fish and game department.

III. "Nongame species" means all wildlife as defined in RSA 212-A:2, III except those listed as fur-bearing animals in RSA 207:1, VIII; game animals in RSA 207:1, X; game birds in RSA 207:1, XI; small game in RSA 207:1, XXVI; unprotected birds in RSA 207:1, XXIX; fish defined under RSA 207:1, VI, and marine species regulated under RSA 211:62.

212-B:4 Adoption of Rules. – The executive director, with the consent of the commission, may adopt rules under RSA 541-A regulating the taking, possession, and handling of nongame species. Such authority shall extend to rules for the enhancement, protection, and propagation of nongame species.

212-B:5 Conservation Programs. –

I. The executive director shall develop and implement a comprehensive nongame species management program that may include, but not be limited to:

- (a) Education of the public regarding New Hampshire's nongame resources;
- (b) Research to determine the populations, distribution, future trends, and needs of nongame species; and
- (c) Management measures to maintain and promote the health of self-sustaining nongame populations.

II. The executive director may establish such programs, including acquisition of land or aquatic habitat or interests therein, as are deemed necessary for the conservation of nongame species.

III. In carrying out the programs authorized by this section, the executive director may consult with other states having a common interest in particular nongame species and may enter into agreements with federal or other state agencies, other states, political subdivisions of this state, or private corporations, organizations, or persons with respect to programs designed to conserve nongame species, including, where appropriate, agreements for administration and management.

212-B:6 Fund Established; Continuing General Fund Appropriation to Match Donations. –

I. The state treasurer shall establish a separate nonlapsing account within the fish and game fund to be known as the nongame species account to which moneys obtained by the fish and game department shall be applied, including any federal moneys which become available from the federal government, any state funds appropriated, and all donations received. The moneys in this account shall be used for the development and implementation of a comprehensive nongame species management program.

II. The fish and game department shall issue a certificate of participation to any individual who donates not less than \$10 to the nongame species account established in paragraph I. An amount equal to the moneys donated during any fiscal year under this paragraph up to and including a total of \$50,000 shall be transferred annually to the special nongame species account. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated. This is a continuing appropriation.

**TITLE XVIII
FISH AND GAME**

**CHAPTER 215-A
OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS**

Section 215-A:29

XIII. No person shall operate an OHRV in any manner so as to harass animals pursuant to the provisions of the definition of "take or taking" in RSA 207:1.

**TITLE XXI
MOTOR VEHICLES**

**CHAPTER 264
ACCIDENTS AND FINANCIAL RESPONSIBILITY**

Report of Injury to Dog

264:31 Report of Injury to Dog. – The driver of any vehicle who knowingly strikes a dog and fails to report the incident to the dog's owner or custodian or to a police officer as soon as possible, shall be guilty of a violation.

**TITLE XXI
MOTOR VEHICLES**

**CHAPTER 265
RULES OF THE ROAD**

Obedience to and Effect of Traffic Laws

265:5 Persons Riding Animals; Driving Animal-Drawn Vehicles. – Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

265:104 Approaching Horses. – Every person having control or charge of a vehicle shall, whenever upon any way and approaching any horse, drive, manage, and control such vehicle in such a manner as to exercise every reasonable precaution to prevent the frightening of such horse, and to insure the safety and protection of any person riding or driving the same.

TITLE XL

AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY

CHAPTER 427

LIVESTOCK AND MEAT INSPECTION

Humane Slaughter

427:33 Terms Defined. – As used in this subdivision the following words and phrases shall be construed as follows:

I. The term "slaughterer" means any person, partnership, corporation or association regularly engaged in the slaughtering of livestock;

II. The term "livestock" shall include but not be limited to cattle, steer, oxen, horses, swine, sheep, goats, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), reindeer (*Rangifer tarandus*), poultry, rabbits, and other species of animals susceptible of use in the production of meat and meat products;

III. The term "humane method" means:

(a) Any method of slaughtering livestock which normally causes animals to be rendered insensible to pain by a single blow or shot of a mechanical instrument or by electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; and

(b) The method of slaughtering required by the ritual of the Jewish faith, whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument, provided that the method used in bringing the animal into position for slaughter causes no injury or pain which can be avoided without interfering with the requirements of ritualistic slaughter or without imposing unreasonable economic hardship.

IV. The term "holding pen" means enclosures or yards where animals are held or handled before slaughtering.

427:34 Prohibition. – On and after June 30, 1960, no slaughterer may slaughter livestock except by a humane method. No person may handle livestock in connection with slaughter, or drive or transport them to holding pens or to place of slaughter except with a minimum of excitement and discomfort. Holding pens and transportation vehicles must be free from hazards which could cause suffering or pain.

427:35 Prohibition. – No person who has taken possession of a horse, ostensibly for slaughter, shall use or deliver possession of said animal for any other purpose.

427:36 Penalty. – Any slaughterer who violates this subdivision shall be guilty of a misdemeanor.

427:37 Administration and Enforcement. – The commissioner of agriculture, markets, and food may administer the provisions of this subdivision, adopt such rules, pursuant to RSA 541-A, as may be necessary to carry this subdivision into effect, and approve all methods of slaughter used under the terms of this subdivision. He or she may, by administrative order, allow any person a single temporary exemption from compliance with any provision of this subdivision for such period of time as he or she shall determine reasonable, not to exceed one year. The commissioner of agriculture, markets, and food shall cause to be prosecuted any slaughterer who fails to comply with the provisions of this subdivision. Any agent authorized by the commissioner, upon being designated, in writing, for that purpose by the sheriff of any county in this state, may, within such county, at any time inspect the premises and operations of any slaughterer and, if he or she deems it advisable, request an investigation and appropriate action by the commissioner of agriculture, markets, and food.

427:38 Definitions. – As used in this subdivision:

I. "Commissioner" shall mean the commissioner of agriculture, markets, and food.

II. "Livestock dealer" shall mean any person, partnership, unincorporated association, or corporation engaged in the business of buying, selling or transporting livestock, or operating a livestock auction or sales ring, including any person acting as an agent or buyer for any other person, partnership, unincorporated association or corporation.

III. "Livestock" shall include beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules, or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*).

TITLE XL

AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY

CHAPTER 435

ANIMAL CARE, BREEDING AND FEED

Breeding Animals

435:1 Certificate. – Every person who offers for hire the service of a stallion for breeding purposes shall make a certificate stating the name, color, age, size and pedigree, so far as known, of the stallion, and the name and residence of the person by whom he was bred, and shall cause the certificate to be recorded by the commissioner of agriculture, markets, and food. He shall also post a copy of said certificate in a conspicuous location on the premises

where the stallion is housed and shall give a copy of it to the keeper of each mare served by the stallion for hire.

435:2 Record. – It shall be the duty of the commissioner to record all such certificates offered for record in a book to be kept in his office for that purpose, upon tender of lawful fees therefor.

435:3 Neglect to Furnish. – If any person who offers for hire the service of a stallion for breeding purposes neglects to make such certificate, or to have it recorded, he shall not be entitled to recover anything for the service of the stallion; neither shall he be entitled to recover for such service from a person to whom he has not given a copy of the certificate, unless he shows that the person had actual knowledge of the certificate at the time of the service.

435:4 False Statement. – If any person knowingly and willfully makes a false statement in such certificate, or inserts in posters or notices advertising the stallion, or gives to the keeper of a mare served by the stallion, a false certificate, he shall be fined \$100.

435:5 Colts Less Than 90 Days Old. –

I. It is unlawful for any person in this state to have in his possession an equine colt that is less than 90 days old that is not being nursed by its dam, unless the colt was born in this state, and its dam has died within this state before the colt became 90 days old.

II. It is unlawful for any person in this state to sell an equine colt that is less than 90 days old that is not being nursed by its dam.

III. If convicted of a violation of this section a person shall be guilty of a misdemeanor.

Treatment of Horses

435:11 Similar Animals. – The term "horse" as used in this subdivision shall include all members of the equine species.

435:12 Proper Care. – No person shall overdrive, overwork or overload a horse in his or her care. No person shall buy, sell or exchange any horse that is unfit to be used for riding, driving, draft or reproduction purposes, unless it is for rehabilitation or slaughter. No person shall torture, beat, mutilate or abandon any horse, or aid in such abuse, or permit any horse in his or her care to be subject to abuse of any kind.

435:13 Proper Feeding. – All horses shall receive roughage in proportion to their size, age, temperament and amount of work they are required to perform. Grain may also be required when roughage alone will not meet their daily nutritional requirements. All horses shall be fed on a regular daily schedule, and all food shall be clean and free from excessive moisture. All horses shall have available a sufficient quantity of fresh water to maintain hydration.

435:14 Shelter Available. – Horses shall be provided either:

I. An adequately ventilated, dry barn with stalls of sufficient size so that the horse is able to lie down, and shall be provided adequate and suitable exercise in arenas, barn yards, paddocks or pastures; or

II. A roofed shelter, with at least 3 sides from November 1 through April 15, shall be provided for horses kept in paddocks or pastures, and said horses shall not be kept tied but shall be able to move around freely.

435:15 Veterinarian Services and Probable Cause Determinations. –

I. A probable cause determination for seizing horses pursuant to a cruelty investigation shall be made only by the state veterinarian or a veterinarian licensed under the provisions of RSA 332-B. No seizing or taking of horses shall be made without a probable cause determination.

II. Pursuant to RSA 644:8, V, a veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered under the provisions of this subdivision.

435:15-a Rulemaking. – The commissioner shall adopt rules, under RSA 541-A, relative to the care, shelter, and feeding of horses, and the enforcement of this subdivision.

435:16 Penalty. – Any owner failing to comply with the provisions of this subdivision shall be notified as to the proper care of horses. Upon a second offense, the horse shall be seized and not returned until restitution for the expenses involved in the seizure is made and proof of proper care is given. Upon a third or subsequent offense, the horse shall be permanently seized. Whoever violates the provisions of this subdivision shall be guilty of a violation.

Feeding Garbage to Swine

435:32 Definitions. – In this subdivision:

I. "Garbage" means waste consisting in whole or in part of animal waste, including any waste animal carcasses or offal from such carcasses or parts thereof, but excluding waste from ordinary household operations which is fed directly to swine on the same premises where such household is located.

II. "Person" means the state, any municipality, political subdivision, institution, public or private corporation, individual, partnership, or other entity.

III. "Commissioner" means the commissioner of agriculture, markets, and food.

435:33 Permit. –

I. No person shall feed garbage to swine, without first securing a permit therefor from the commissioner or the state veterinarian. Such permits shall be renewed one year from the date issued.

II. This subdivision shall not apply to any person who feeds only his own household garbage to swine which are raised for such person's own use, or slaughtered under permit issued by the commissioner or his agent

435:34 Application. – Any person desiring to obtain a permit to feed garbage to swine shall make written application therefor to the commissioner or the state veterinarian in accordance with the requirements of said commissioner or state veterinarian. At the time of filing such application the applicant shall pay to the state department of agriculture, markets, and food a permit fee in the sum of \$10. All such fees shall be remitted to the state treasurer who shall place all moneys received to the credit of the state department of agriculture, markets, and food account for the purpose of carrying out the provisions of this subdivision.

435:35 Revocation. – Upon determination that any person having a permit issued under this subdivision, or who has applied for a permit under it, has violated or failed to comply with any of the provisions of this subdivision, or any of the rules adopted under it, the commissioner or the state veterinarian may revoke such permit or refuse to issue a permit to any applicant.

435:36 Cooking or Other Treatment. – All garbage, regardless of previous processing, shall, before being fed to swine, be thoroughly heated to at least 212 degrees Fahrenheit for at least 30 minutes, unless treated in some other manner which shall be approved in writing by the commissioner or the state veterinarian as being equally effective for the protection of public health.

435:36-a Quarantine Required. – Any person who violates RSA 435:36 by feeding raw garbage to swine, except as provided in RSA 435:33, II, shall be required to have such swine quarantined and tested, at his own expense, for brucellosis, pseudorabies, hog cholera and African swine fever.

435:37 Inspection and Investigation; Maintenance of Records. –

I. Any authorized representative of the commissioner or the state veterinarian shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the treating of garbage to be fed to swine as required by this subdivision.

II. Any authorized representative of the commissioner or the state veterinarian may examine any records or memoranda pertaining to the feeding of garbage to swine. The commissioner or the state veterinarian may require maintenance of records relating to the operation of equipment for any procedure of treating garbage to be fed to swine. Copies of such records shall be submitted to the commissioner or the state veterinarian on request.

435:38 Cooperation with the Federal Government. – Insofar as available funds will permit, the commissioner or the state veterinarian is authorized to cooperate with the United States Department of Agriculture, Bureau of Animal Industry as set forth in RSA 436:6 and may pay such indemnities as may be agreed upon, but in no case shall the indemnities paid by the state of New Hampshire exceed that paid by the United States Government, and in no case shall indemnity be paid by the state of New Hampshire for swine fed garbage that has not been treated as provided for in RSA 435:36.

435:39 Enforcement; Rulemaking. – The commissioner is hereby charged with administration and enforcement of the provisions of this subdivision, and is authorized to adopt and enforce all rules which he may deem necessary to carry out the purposes of this subdivision.

435:40 Penalties. –

I. Any person who violates any of the provisions of or who fails to perform any duty imposed by this subdivision, or who violates any rules adopted under it shall be guilty of a misdemeanor. In addition, such person may be enjoined from continuing such offense. Each day upon which such offense occurs shall constitute a separate offense.

II. In addition, any person who violates any of the provisions of this subdivision or any rule adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$5,000 for each violation.

TITLE XL

AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY

CHAPTER 436

DISEASES OF DOMESTIC ANIMALS

436:1 Definitions. –

I. "Person," "owner" or "importer" means any person, corporation, association, partnership, company, firm or other aggregation of individuals.

II. "Domestic animals" means all animals, including poultry, that are kept or harbored as domesticated animals.

III. "Vaccines" means all biological products that contain living organisms.

Division of Animal Industry

436:2 Division of Animal Industry. – There shall be a division of the department of agriculture, markets, and food known as the division of animal industry.

436:3 Record to be Kept. – The commissioner shall keep a record of all permits issued and bovine animals imported, of all animals tested on behalf of the state, or at the request of the owner, with the date and place of the test and the name and residence of the owner; and a complete and accurate record of all work performed under this chapter.

436:4 Report. – The commissioner shall, within its biennial report pursuant to RSA 20:7, submit a written report to the governor and council, stating in detail the work done during the preceding 2 years.

436:5 Assistance; Rules. – The commissioner may, with such funds as may be available for the purpose, employ such clerical, veterinary and other assistance as he may deem necessary

for the proper performance of his duties and the fulfillment of the purpose of this chapter, and may adopt rules under RSA 541-A for the proper execution of its provisions.

436:6 Federal Cooperation. – The commissioner is authorized to accept, on behalf of the state, the rules and regulations prepared by the Secretary of Agriculture under and in pursuance of section 3 of an act of Congress approved May 29, 1884, entitled "An act for the establishment of a bureau of animal industry to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals," or of any other such act of Congress, and he may cooperate with the authorities of the United States government within this state in the carrying out of such rules and regulations and the enforcement of the provisions of any such act or acts so passed which are not in conflict with the statutes of this state.

436:6-a Records Disclosure. – Information submitted by an individual or business for the purpose of participating in a state or national animal health or disease control system is exempt from disclosure. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under this chapter.

State Veterinarian

436:7 Appointment. – The commissioner of agriculture, markets, and food shall, with the approval of the governor and council, appoint a graduate of a veterinary college of recognized standing, who shall have had at least 5 years' experience in the practice of veterinary medicine, including large animal practice, and who shall be known as the state veterinarian and the director of the division of animal industry.

436:8 Powers. – The state veterinarian, under the direction of the commissioner, shall have all of the powers of the commissioner and shall have general charge of the enforcement of this chapter. Complaints under RSA 644:8, 644:8-a, 644:8-aa and any other law pertaining to the abuse of domestic animals, as defined under RSA 436:1, shall initially be filed with the local law enforcement agency, animal control officer, state police, or sheriff which has jurisdiction over where the animal is located or kept. At the request of the local law enforcement agency, animal control officer, state police, or sheriff, the state veterinarian shall assist in a secondary capacity in enforcing the provisions of and investigating said complaints. In the event the commissioner becomes incapacitated or a vacancy occurs in the office, the state veterinarian shall perform all the duties of that office during any such incapacity or until any such vacancy is filled. The commissioner may direct the state veterinarian to act for him or her in an official capacity whenever he or she may be absent from his or her duties.

436:9 Salary and Expenses. – He shall receive the annual salary prescribed by RSA 94:1-4, and shall be allowed his expenses when away from the office of the department on official business.

Section 436:9-a

436:9-a Appointment. – The commissioner of agriculture, markets, and food shall appoint a graduate of a veterinary college of recognized standing, who shall have had at least 5 years' experience in the practice of veterinary medicine, including large animal practice, and who shall be known as the assistant state veterinarian.

Section 436:9-b

436:9-b Powers. – The assistant state veterinarian, under the direction of the commissioner and state veterinarian, shall assist the state veterinarian with the enforcement of this chapter and any other law over which the division has regulatory authority. The state veterinarian may direct the assistant state veterinarian to act for him or her in an official capacity whenever he or she may be absent from his or her duties.

Section 436:9-c

436:9-c Salary and Expenses. – The assistant state veterinarian shall receive the annual salary prescribed by RSA 94:1 through RSA 94:4, and shall be allowed his or her expenses when away from the office of the department on official business.

Importation of Bovines

436:10 Regulated. – No person shall bring, cause to be brought, ship, or cause to be shipped into this state any bovine without the written permission of the commissioner of agriculture, markets, and food, except those for immediate slaughter at establishments where state or federal inspection is maintained; and such animal shall be held in quarantine at its destination or other designated place until released by the commissioner.

436:11 Permits. – Such permission shall be in the form of a written or printed permit and shall state the name and address of the importer, the number of such animals to be imported, the name of the place where such animals are to be held in quarantine for examination, and such other particulars as shall be deemed necessary.

436:12 Notice of Arrival. – When animals brought into the state on such permit have reached their destination or other designated place, the importer or owner or his agent shall, within 48 hours, give notice thereof in writing to the commissioner.

436:13 Examination. – The commissioner shall, within a reasonable time, in person or through some competent assistant, make or cause to be made a physical examination of all such imported animals, and may apply such tests as he may deem necessary to determine their health.

436:14 Calves. – Calves under 6 months of age from tuberculin-tested herds, or from herds tested by any other approved method, and accompanied by a permit and certificate of health, may be detained in quarantine or held for tests. Such certificate of health shall be executed under oath by the party making the shipment, or his duly qualified agent.

436:15 Release from Quarantine. – Such animals as shall be found to be free from tuberculosis or other contagious or infectious disease shall immediately be released from quarantine.

436:16 Diseased Animals. – Such animals as shall be found to have any infectious or contagious disease shall immediately be slaughtered by and at the expense of the importer or owner or held in strict quarantine, if the disease is curable, under rules adopted by the commissioner; provided that registered purebred bovine animals, reacting to the tuberculin or other approved test, but showing no marked physical indications of tuberculosis, may be retained by the importer or owner in quarantine and be subject to the provision of RSA 436:62-68.

436:17 Disposal of Carcasses. – When slaughtered, the carcasses, under rules adopted by the commissioner, shall be burned or covered with lime and buried, or may be shipped to a fertilizer or rendering plant; provided that the meat of animals reacting to the tuberculin or other approved test, but showing no physical indications of tuberculosis or brucellosis, may be used or sold for food under rules adopted by the department of health and human services or in accordance with the rules and regulations of the Bureau of Animal Industry of the United States Department of Agriculture under the federal meat inspection law.

436:18 Witnessing Disposal. – When such animals are killed on the premises of their importer or owner, the commissioner or his agent shall witness their burial or burning as aforesaid, unless their carcasses are shipped, used or sold as herein provided.

436:19 Hides. – The importer or owner may retain the hides of such animals as are slaughtered, if slaughtered upon his premises, except from animals infected with glanders, anthrax, black leg or foot and mouth disease.

436:20 Proceeds of Carcasses. – If the carcasses are used, sold or shipped to a fertilizer or rendering plant, the importer or owner shall be entitled to the net proceeds from the salvage.

Importation of Tested Bovines

436:21 Without Quarantine. – The commissioner may permit bovine animals to be brought into this state, without being confined in quarantine at their destination or other designated place, when they have been tested in the state of their origin within 3 months prior to being brought into this state by a veterinarian whose competency and reliability are certified to by the authority charged with the control of contagious or infectious diseases in the state where

said test or tests were made, or when they are accompanied by a certificate of health, showing satisfactory tests made by an inspector of the Bureau of Animal Industry of the United States.

436:22 Accredited Cattle. – Cattle from an accredited herd, tested within 12 months prior to being brought into this state, may be allowed to enter without being held in quarantine and without being subjected to a test.

436:23 Retesting. – When the commissioner has reason to believe that the test or tests were not made in a competent or reliable manner, he may require that such animals shall be confined in quarantine at destination or other designated place, and be subjected to a retest at the expiration of a period not to exceed 60 days. If, upon testing, they shall be found to be infected with any contagious or infectious disease they shall be subject to the provisions of RSA 436:10-20.

Importation of Other Domestic Animals

436:24 Rulemaking. – The commissioner shall adopt such rules as he may deem necessary relating to the importation into this state of horses, asses, mules, sheep, swine or other domestic animals, except as provided for by RSA 436:10. He may require that a physical examination or test be made of every such animal brought, driven or shipped into this state, may adopt quarantine rules for all such animals and may adopt whatever rules he deems necessary to prevent the introduction into this state of contagious or infectious diseases.

436:25 Diseased Animals. – When such animals are found to have any contagious or infectious disease, they shall immediately be slaughtered by, and at the expense of, the importer or owner, or held in strict quarantine, if the disease is curable, under rules adopted by the commissioner; and when slaughtered the carcasses shall be subject to the provisions of RSA 436:17 relating to the disposition of the same; but in no case shall the importer or owner retain the hide of any animal infected with glanders or anthrax, nor shall the carcass of any animal infected with glanders or anthrax be shipped to a fertilizer or rendering plant.

436:26 Expense of Examination, etc. – The importer or owner shall bear the expense of detention, examination, test and slaughter under this subdivision and RSA 436:10-20, but not the personal expenses of the commissioner or his agent.

Permits to Those on State Line or Shipping Interstate

436:27 Permits To Drive Animals. – Persons living near the state line who own or occupy land in an adjoining state, or persons living in an adjoining state who own or occupy land in this state near the state line, may secure from the commissioner a permit to drive cattle, horses, asses, mules or sheep back and forth to pasture and for other purposes, subject to such restrictions or regulation as he may deem necessary in any particular case.

436:28 Issuance of Health Certificates. –

I. The commissioner may prepare and issue health certificates for interstate shipment of livestock and poultry.

II. The commissioner may adopt rules, pursuant to RSA 541-A, for the preparation and issuance of health certificates authorized by paragraph I.

436:29 Penalty. –

I. Any person who drives, brings or ships domestic animals into this state, or is an accessory thereto, knowing or having reason to believe that any of them have a contagious or infectious disease or have been exposed to any such disease, or violates any of the provisions or rules relating to importation or quarantine, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. The bringing, shipping or driving of each animal into this state in violation of the provisions of this section or in violation of the importation or quarantine rules shall constitute a separate offense.

II. In addition, any person who violates any of the provisions of this subdivision or rules adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

436:30 Interstate Transportation. – The provisions of RSA 436:29 shall not apply to livestock being transported through the state in interstate commerce.

Investigations and Reports

436:31 Investigations. – The commissioner shall cause systematic investigation, insofar as available funds will permit, to be made as to the existence of pleuropneumonia, foot and mouth disease, glanders, hog cholera, anthrax, black leg, hemorrhagic septicemia, rabies, scrapie, fowl cholera, European fowl pest, or any other infectious or contagious disease among cattle, horses, asses, mules, sheep, swine and all other domestic animals, and the commissioner or the commissioner's duly authorized agent may enter any premises, including stockyards within any part of the state in or at which the commissioner has reason to believe that there exists or may exist any such disease and make search, investigation and inquiry in regard to the existence thereof.

436:32 Aid. – The commissioner may call to his aid, if necessary, the police officer or constable of the city or town, or the sheriff of the county, in which such animals may be located and all such officers when so called upon by said commissioner or his duly authorized agent, shall assist in the enforcement of the provisions of this subdivision.

436:33 Notice to Commissioner. – Whenever a local board of health or its executive officer, veterinarian, selectman or any person has notice of or suspects the existence of any of the diseases named in RSA 436:31, or other contagious or infectious diseases among domestic animals, such board of health or person shall immediately notify the commissioner in writing, stating the grounds for such belief or suspicion. Any owner suspecting the existence of any such

disease among his domestic animals shall immediately notify the commissioner in writing of such fact.

Quarantine

436:34 Quarantine of Animals. – Whenever the commissioner, upon investigation or upon notification, has reason to believe that a domestic animal or captive wildlife is infected with a contagious or infectious disease the commissioner shall immediately cause it to be quarantined or isolated upon the premises of the owner or the person in whose possession it is found, or in such other place or enclosure as the commissioner may designate, and the removal of the animal from any premises where it may be ordered to be kept shall be forbidden.

436:35 Quarantine of Premises. – The commissioner may quarantine the premises upon which there is a domestic animal or captive wildlife infected with any contagious or infectious disease, or that is suspected of being so infected, or that has been exposed to such disease, and may forbid the removal of any such animal or wildlife or any animals or wildlife susceptible to such disease by serving a written order upon the owner or person in possession of said premises or by posting a copy of such order at the premises' usual entrance. Such animal or wildlife or animals or wildlife shall be kept under quarantine for such periods of time as the commissioner may deem necessary to prevent the spread of the suspected disease to other animals off the quarantined premises. The commissioner may determine the length of quarantine based upon the recommendations of the United States Animal Health Association and the United States Department of Agriculture.

436:36 Quarantine of Locality. – If any such disease becomes epidemic, the commissioner may issue a proclamation quarantining the locality and forbidding the removal from the locality of any animal so diseased or susceptible without his permission.

436:37 Destroying Notice of Quarantine. – No person shall tear down, mutilate, deface or destroy any such notice or order issued by the commissioner when posted as provided herein, during the pendency of such notice or order.

436:38 Penalty for Violations. –

- I. Whoever violates a quarantine provision or rule shall be guilty of a misdemeanor.
- II. In addition, whoever violates a quarantine provision or rule relating to a quarantine may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

436:39 Examinations. – Whenever animals have been quarantined as herein provided, the commissioner, within a reasonable time, shall cause a physical examination of such animals to be made. If, on such physical examination, he deems it necessary, he may apply the tuberculin or any other approved test. He shall not, when he suspects bovine tuberculosis, take any action based upon such physical examination except in advanced cases unless the tuberculin or other

approved test is applied and such test confirms the result of the physical examination. If any animal is found to have bovine tuberculosis, he may cause a test to be made of the entire herd in which such animal was found or of any animal which may have been exposed to said disease. If the disease suspected is one which science has demonstrated can be controlled in susceptible animals by the proper vaccination of said animals, the commissioner or his agent may order any and all susceptible animals vaccinated or treated as he may deem advisable.

Disposal of Diseased Animals

436:40 Test; Slaughter. – If the veterinarian authorized by the commissioner to examine or test an animal for the presence of an infectious or contagious disease certifies to the commissioner in writing that he has made an examination or test in accordance with the rules adopted by the commissioner, that in his judgment such animal is infected with a specific infectious or contagious disease, or that its destruction is necessary in order to prevent or suppress, or to aid in preventing or suppressing such disease such animal shall, except in cases herein otherwise provided, forthwith be slaughtered by and at the expense of the owner or the person in possession thereof, and the carcass shall be dealt with as provided for the disposal of carcasses of imported animals after slaughter.

436:41 Expense. – The cost of examination or test in such cases and the expenses of the commissioner or his agents shall be borne by the state.

Tests on Application of Owner; Vaccination

436:42 By Commissioner. – The owner of cattle, horses, asses, mules, sheep or swine may apply to the commissioner for an examination of his animals for tuberculosis, brucellosis or glanders, subject to the provisions of this subdivision.

436:43 Application. – The application shall be upon a blank form provided by the commissioner, and shall include an agreement on the part of the owner of such animals to improve faulty sanitary conditions, to disinfect his premises if diseased animals should be found, to follow directions of the commissioner designed to prevent reinfection of his herd or other animals, and to suppress the disease and prevent its spread.

436:44 Examination; Disposal. – As soon as possible after receipt of an application, the commissioner or some competent veterinarian in his employ shall make a thorough physical examination of such animals, and may subject them to the tuberculin, mallein or other approved test, and if any of the animals react to the test so made, or upon physical examination are found to be infected with a contagious or infectious disease, they shall be condemned and slaughtered after appraisal, or held in strict quarantine as provided for by this chapter in the case of registered purebred tuberculous bovines. After slaughter, the carcasses shall be disposed of as provided under RSA 436:17.

436:45 Expense; Indemnity. – The cost of examination or test shall be borne by the state; but if the owner, after signing the above agreement, shall knowingly fail to carry out its terms, he shall forfeit any indemnity to which he would otherwise be entitled for any animals found to be infected.

436:46 Surveillance Tests. – The commissioner shall make such tests for tuberculosis and brucellosis from time to time as he sees fit at the expense of the state. If any suspects shall show as the result of such tests he shall quarantine said animals or the herd premises or both; further, should any reactors to such tests be found, the entire premises shall be quarantined, reactors tagged, branded, appraised, slaughtered and paid for as provided by this subdivision. The reactor premises shall remain quarantined until reactors are legally removed, properly disinfected and a sufficient number of negative tests of remaining animals on said premises are determined by the commissioner to be sufficient proof that there is no longer any evidence of the disease present on the premises.

436:47 Vaccination Against Brucellosis. – Upon application of any owner of bovine animals, the state may vaccinate said bovine animals against brucellosis (Bang's disease) with strain 19 or other approved vaccine. The age at which animals are to be vaccinated shall be determined by the state veterinarian, based upon the recommendations of the United States Animal Health Association and the United States Department of Agriculture. The cost of said vaccination, including the cost of the vaccine, may be borne by the state. The vaccination shall be done by a licensed accredited graduate veterinarian under the direction of the commissioner, and all animals vaccinated shall be properly and permanently identified.

436:48 Alternate Plan. – The commissioner of agriculture, markets, and food may grant permission to adult-vaccinate under this alternate plan a herd seriously infected with brucellosis. If an owner is refused permission to adult-vaccinate his herd, he may appeal to the county approval board. A request to adult-vaccinate shall be made in writing to the commissioner of agriculture, markets, and food. The county approval board shall consist of 3 members in each county, 2 to be appointed by the commissioner of agriculture, markets, and food and these 2 to appoint a third member; all members to serve without pay or expenses at the pleasure of the commissioner and until their successor or successors shall be appointed. Whenever a person receives permission to adult-vaccinate under this section, it shall be granted under rules and regulations approved by the federal Bureau of Animal Industry and by the state department of agriculture, markets, and food. All calves raised in such herds shall be vaccinated according to such rules as are adopted for calfhood vaccination. All bovine animals in the herd shall be tested for brucellosis and reactors tagged, branded, appraised and slaughtered as provided for under this chapter before any animals shall be vaccinated. All nonreacting animals shall be permanently identified by ear tag number and tattoo mark. No animal shall be sold out of an adult-vaccinated herd for any purpose except by written permission from the New Hampshire department of agriculture, markets, and food, division of animal industry. No indemnity shall be paid on any animal vaccinated at an age older than 8

months. Any owner maintaining a herd under the terms of this chapter agrees to forfeit any and all indemnity on animals condemned and slaughtered after adult vaccination has once been started in a herd, and until such time as the herd passes at least one clean test for brucellosis and adult vaccination has been discontinued. An owner of an adult-vaccinated herd shall discontinue all vaccination with strain 19 in his adult animals on or before 3 years from the date of the receipt of application for adult vaccination by the commissioner, but said herd owner may reapply for adult vaccination under this plan at any time thereafter. The commissioner of agriculture, markets, and food may order the discontinuance of adult vaccination in any herd when, in his opinion, it is evident that said adult-vaccinated animals become a menace to other healthy herds. Such adult-vaccinated herds shall be under strict quarantine at all times and shall be subject to test at such times as the commissioner may direct.

436:49 Pasteurization of Milk from Herds Adopting Alternate Plan. – Notwithstanding any provisions of law to the contrary, milk from such herds that adopt this alternate plan, including milk from such reactors, may be sold to consumers, but only after being pasteurized.

Private Tests

436:50 Report. – All private tuberculin or other approved tests shall be reported to the commissioner by the person making the test within 5 days from the time said test is completed.

436:51 Contents. – The report shall include, when the test is made by the subcutaneous method, a complete temperature record and such other information as the commissioner may require, and, when said test is made by either the intradermal or ophthalmic methods, a complete record of such reaction or reactions as appeared, and such other information as the commissioner may require.

436:52 Reactors. – If such tests are made by a veterinarian approved by the commissioner to make the same and any reactors are found, they shall be subject to the provisions of RSA 436:42-49.

436:53 Penalty for Failure to Report. – Whoever fails to report such tests shall be fined not more than \$100.

Examination of Carcasses

436:54 Examination; Report. – The carcass of every animal duly condemned for bovine tuberculosis and slaughtered under the provisions of this chapter shall be examined by a veterinarian or physician designated by the commissioner for the purpose of determining whether or not disease existed in such animal. Such postmortem examination shall be under rules adopted by the commissioner, and the report thereof shall show conditions found upon such examination duly verified by the person making such examination. Such report shall be

filed with the commissioner, and a copy shall be sent or delivered to the owner or person in possession of the animal so examined.

Appraisal and Indemnity

436:55 Appraisers. – The value of all animals directed to be killed by order of the commissioner or his agent shall be first appraised by the owner and the commissioner or his agent. In the event of a disagreement as to the amount of the appraisal, they shall select a third disinterested person to act with them, the expense of said third appraiser being paid by said owner. The value so determined shall be final.

436:56 Valuation. – In making such appraisals, the fact that the animals have been condemned for disease shall not be considered, and the animals shall be appraised for their true market value.

436:57 Importations. – In no case shall compensation be allowed for any animals destroyed which may have contracted or been exposed to such disease in a foreign country, or on the high seas, or which have been brought or shipped into this state within 3 months previous to showing evidence of such disease, except animals that have been imported directly from tuberculosis or brucellosis free herds, and are accompanied by properly approved health charts certifying that fact; and the owner or person in possession thereof shall furnish satisfactory evidence as to the time during which such animals have been owned in the state.

436:58 Concealment. – No compensation shall be allowed to any owner who in person or by his agent knowingly and willfully conceals the existence of such disease or the fact of exposure to it in animals of which the person making such concealment, by himself or his agent, is in whole or part owner, nor shall compensation be allowed for bovine animals condemned by the tuberculin or brucellosis test unless said test is authorized by the commissioner or his agent.

436:59 Certificates. – In case the animal condemned is registered, the owner shall furnish to the commissioner a certificate of registration before the claim is paid.

436:60 Payments. – The state shall pay the owner after he has filed such certificate or certificates as the commissioner may direct an amount not to exceed \$100 for a grade animal and \$200 for a purebred registered animal on all horses and bovine animals condemned and killed, provided that the amount received from salvage from the federal government and the state shall not exceed the appraised value thereof.

436:61 Limitation. – If the total amount to be paid from all such sources should exceed the appraisal value, the indemnity to be paid by the state shall be only the difference between the amount received from such sources other than the state and said value.

Retention for Breeding Purposes

436:62 Quarantine. – Under rules adopted by the commissioner and approved by the department of health and human services, registered purebred bovines which have responded to the tuberculin or other approved test, but which show no marked indications of tuberculosis, may be retained by the owner in quarantine and be used for breeding purposes.

436:63 Killing. – Such animals may be condemned and killed at any time by the commissioner when, in his judgment, conditions require such action.

436:64 No Compensation. – In case such animals quarantined under the provisions of this subdivision are at any time condemned or killed after having been used for breeding purposes, the owner shall not receive compensation therefor from the state.

436:65 Milk of Retained Animals. – The milk of such animals may, with the approval of the commissioner, be used after boiling or heating to a temperature of 212 degrees Fahrenheit or after proper pasteurization.

436:66 Offspring. – The offspring of such animals shall be removed and kept apart immediately following birth, and shall be tested by tuberculin or other approved test, at a period not less than 6 months nor more than 9 months from birth.

436:67 Premises. – The premises on which such animals are kept shall be at all times subject to inspection by the commissioner or his agent or by the department of health and human services.

436:68 Sale. – If no marked physical indications of tuberculosis have developed, such animals may be sold for immediate slaughter in any slaughterhouse under rules adopted pursuant to RSA 541-A by the commissioner of the department of health and human services, or in accordance with rules and regulations of the Bureau of Animal Industry of the United States under the federal meat inspection laws.

Marks and Records for Tested Animals

436:69 Sound Animals. – Whenever a bovine is tested with the tuberculin or other approved test, under any of the provisions of this chapter, and passes the test satisfactorily to the commissioner or his agent, such animal, except purebred registered cattle, shall have a numbered tag placed in its ear, unless already so tagged.

436:70 Reactors. – Any bovine in which tuberculosis or brucellosis is diagnosed by the commissioner or his agent on physical examination, or by means of the tuberculin or brucellosis test, which is not immediately slaughtered under the supervision of the commissioner or his agent, shall be marked by inserting in its left ear a metal tag upon which is stamped a number and the word "Reactor", and by branding the letter T or the letter B, not less than 2 nor more than 3 inches high on the left jaw.

436:71 Tags. – Tags for such purposes shall be furnished by the commissioner, at the expense of the state.

436:72 Records. – The commissioner shall keep a complete record of all tags so issued. In the case of reacting bovines, he shall also keep a complete description of said animals.

436:73 Penalty. –

I. Whoever intentionally removes or defaces any tag so inserted, without the consent of the commissioner or his agent, or exhibits or displays any certificate that a specifically named herd has been found to be in a healthy condition and free from reactors, unless the certificate was issued by the commissioner, shall be guilty of a misdemeanor.

II. In addition, any person who violates any of the provisions of this subdivision or rules adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

Sale of Diseased Animals

436:74 Penalty. –

I. Any person who, knowing or having reason to believe that any horse is infected with glanders, or that any swine is infected with hog cholera, or that any domestic animal is infected with anthrax or black leg, hemorrhagic septicemia, contagious infectious abortion, or any other contagious or infectious disease, shall sell, offer for sale, trade or barter, or expose or allow it to be exposed upon any public highway or in any public place, without the written permission of the commissioner or his agent, shall be guilty of a misdemeanor.

II. In addition, any person who violates any of the provisions of this subdivision or rules adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

436:75 Contract of Sale. – No animal showing physical evidence of tuberculosis or brucellosis, or in which such disease shall have been indicated as a result of the tuberculin or other approved test, shall be sold other than for immediate slaughter, said slaughtering to be ordered by and under the supervision of the commissioner or his agent, except under a written contract approved by the commissioner, signed by both parties, describing the animal and stating that it is believed to be tuberculous or infected with brucellosis. A contract of sale as provided by this section shall be executed in triplicate and one copy thereof delivered to the purchaser, one kept by the seller, and the other delivered to the commissioner.

436:76 Permit for Removal. – No such animal shall be removed except for immediate slaughter from the premises where examined, except upon the written permission of the commissioner.

Report of Animals Killed

436:77 Making. – Any person who kills a bovine, sheep or swine, or causes any such animal to be killed, knowing or having reason to believe at the time of said killing, or upon the inspection of the carcass thereof finding, or having reason to believe, that it is infected with a contagious or infectious disease, shall immediately notify the board of health of the city or town in which such animal was killed and the commissioner of the existence of such disease, of the place where the animal was found, of the name of the owner or person in possession thereof and of the disposal made of such carcass.

436:78 Exception. – The provisions of RSA 436:77 shall not apply when said killing was done under the supervision of the commissioner or his agent, or an inspector of said board of health or an inspector of the United States Department of Agriculture.

436:79 Penalty. – Any person who shall fail or neglect to send notifications as provided by RSA 436:77 shall be guilty of a misdemeanor.

Sale of Vaccines

436:80 Label. – Sale and use of biological products and diagnostic reagents produced for animal use which are sold, given away or used within this state shall bear a label stating the name and address of the person, firm or institution producing it and the date of preparation. Said label and certification of licensure by the United States Department of Agriculture shall be submitted to the commissioner for his approval prior to acceptance for distribution in New Hampshire.

436:81 Virulent Hog Cholera Virus Prohibited. – No person may manufacture, transport, possess or use virulent hog cholera virus.

436:82 Exception. – The provisions of this subdivision shall not apply to biological products and diagnostic reagents manufactured or issued by the United States Department of Agriculture.

Penalties

436:83 Interference With Tests. – Any person who intentionally interferes with or hinders the work of the commissioner or his agents; or who attempts to defeat the object of a test by a previous injection of tuberculin or any other drug, known as plugging; or who in any other way attempts to prevent an accurate and truthful determination of the condition of the animal tested; or who shall treat any animal with material or substance to prevent normal reaction, except for experimental purposes and with the consent of the commissioner, shall be guilty of a misdemeanor. Each such treatment shall constitute a separate offense.

436:84 General Penalty. – Any person who violates a provision of this chapter, or a rule adopted by the commissioner in accordance therewith, for which a penalty is not otherwise

provided, shall be guilty of a misdemeanor. In addition, such person may be subject to an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

436:85 Veterinarians. – Any veterinarian who violates any of the provisions relating to the sale and use of tuberculin, in addition to fines and penalties prescribed, shall be reported to the state board of veterinary medicine. The board, after hearing, may revoke the license of the veterinarian for a period not to exceed one year; provided that this section shall not limit the power otherwise conferred upon said board.

Livestock Events

436:86 Definitions; Doping and Stimulating Prohibited. –

I. In this subdivision:

(a) "Livestock event" means pulling contests, trail rides, carriage events, horse shows, races, dressage exhibitions, private and organized sales, and other competitive events involving horses, cattle or oxen.

(b) "Person" means any person who is acting on behalf of the owner of such animals as his agent or representative or any person who has the animals under his control during such livestock events in this state.

(c) "Owner" means any person who has in his possession clear title to animals participating in any livestock event in this state.

II. It is unlawful for any person to administer internally or externally a drug, stimulants, or appliances of a nature that could affect or alter the normal performance of an animal entered in a livestock event.

III. A signed statement of ownership, including a complete description of each animal participating in a livestock event, shall be submitted to the event management prior to participation in any such livestock event in this state.

436:87 Test Authorized. –

I. The commissioner of agriculture, markets, and food may take such tests of the saliva, urine, blood, or all 3, of any animal entered in a livestock event as he may deem necessary. If a drug is found in the chemical analysis of said saliva, urine, or blood it shall be prima facie evidence that a drug has been administered.

II. Failure by an owner or person to submit an animal for testing or failure to provide adequate assistance for the commissioner's agent to obtain an official sample shall be subject to an administrative fine and the provisions of RSA 436:88-a, III.

436:88-a Penalty. – Within 14 days from the date test results in which a drug is shown to be present are received by the commissioner of agriculture, markets, and food, the commissioner shall notify the fair association or management of the livestock event and the owner of the tested animals of such results.

I. Any person or owner who violates any of the provisions of this subdivision or who violates

any rules adopted under this subdivision, shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

II. In addition, 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 levied by the commissioner, not to exceed \$1,000 for each violation.

III. Any person or owner who is subject to paragraph I or II of this section shall forfeit any premiums or trophies offered at any livestock event. Such person or owner and the animals tested under RSA 436:87 shall be ineligible to compete in any future livestock event for a period not to exceed 2 years from the date of the administrative fine levied or any court conviction.

IV. Any person fined or convicted of doping and stimulating animals entered into livestock events in any other state shall be ineligible to compete in any livestock event in this state for a period not to exceed 2 years from the date of such fine or court conviction.

436:90 Rulemaking. – The commissioner of agriculture, markets, and food shall adopt rules under RSA 541-A, relative to:

I. The method of levying the administrative fines under RSA 436:88-a, II.

II. The drugs, stimulants, or appliances that are prohibited in a livestock event.

Veterinary Diagnostic Laboratory

436:92 Veterinary Diagnostic Laboratory. – There is hereby established, in the agriculture experiment station at the university of New Hampshire, a veterinary diagnostic laboratory for the diagnosis and early detection of infectious and contagious diseases of domestic animals which advanced medical knowledge has shown to be important to human or animal health. The laboratory shall conduct procedures in bacteriology, virology, parasitology, serology, and histological and clinical pathology and in such other subjects as the commissioner of agriculture, markets, and food shall direct. The laboratory shall be operated by the agricultural experiment station. Any funds made available for the operation of said laboratory shall be expended under the supervision of the commissioner of agriculture, markets, and food.

Equine Infectious Anemia

436:93 Definitions. – In this subdivision:

I. "Accredited veterinarian" means a veterinarian who is licensed pursuant to RSA 332-B and, in addition, is accredited by the United States Department of Agriculture and the department of agriculture, markets, and food of this state.

II. "Asymptomatic positive reactor" means any equine which reacts positively to an official test but which is apparently healthy, showing no symptoms of equine infectious anemia.

II-a. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

III. "Equine" means any member of the equine family which includes horses, mules, asses and zebra.

IV. "Equine infectious anemia", also known as swamp fever, means a disease of equines caused by a virus which is infectious and may be spread from horse to horse by blood-sucking insects, unsterile surgical instruments and community use of equipment that may produce cuts or abrasions. Both sexes may be affected at any age. Infected animals remain carriers for life, constituting a potential source of disease spread. The disease may be acute, chronic, or inapparent.

V. "Official test" means the agar gel immune diffusion blood test conducted in a laboratory approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service and the state veterinarian.

VI. "Reactor" means an equine over one year of age whose blood serum reacts positively to an approved serological test for equine infectious anemia performed by an approved laboratory.

VII. "State veterinarian" means the veterinarian appointed pursuant to this subdivision.

436:94 Requirement for a Second Test. – Any equine in the state which reacts positively to an official test is hereby required to be tested a second time at the expense of the state; and, if the test reads positive a second time, the equine shall be so identified with a freeze marking 12A which shall be at least 2 inches high. Such marking shall be applied to the left shoulder or the left side of the neck of the reactor.

436:95 Equines Imported Into New Hampshire; Testing Requirements. –

I. All equines that are imported into the state shall be accompanied by an official interstate health certificate. Such certificate shall state that each equine has been officially tested and found to be negative to equine infectious anemia within a period not to exceed 6 months prior to the date of entry. The test and the certificate required under this section shall be performed, completed and signed, respectively, by an accredited veterinarian.

II. Equines may be shipped into the state for research purposes or for immediate slaughter in an approved slaughter establishment after first obtaining a special permit from the state veterinarian.

III. Each certificate under paragraph I shall be for one equine only and shall include the name and address of the owner, trainer or person responsible for the equine; in addition, it shall also include the name and registration number of the equine, if any, and sex, age, color and positive identifying marks or scars with a complete description of each.

IV. If, in the opinion of the state veterinarian or his representative, the certificate does not properly or accurately describe the equine in question, he may cause the equine to be held and retested at the expense of the owner or to be returned to the state of origin after receiving prior approval from the proper regulatory officials of the state of origin.

436:96 Equine Reactors; Rulemaking. – Any equine found positive after an official retest performed pursuant to RSA 436:94 shall be permanently quarantined on the premises where the test was performed and isolated from all other equines. The commissioner shall adopt rules under RSA 541-A relative to the quarantine, isolation, and disposal of reactors.

436:98 Penalty. –

- I. Any person who violates this subdivision shall be guilty of a misdemeanor.
- II. In addition, 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 levied by the commissioner not to exceed \$1,000 for each violation.

Rabies Control

436:99 Definitions. – As used in this subdivision:

- I. "Dog" shall mean any canine animal, male or female, sexed or neutered.
- I-a. "Cat" shall mean any domestic feline animal, male or female, sexed or neutered.
- I-b. "Ferret" shall mean any European domestic ferret (*Mustela furo*), male or female, sexed or neutered.
- II. "Vaccination against rabies" shall mean the inoculation of a dog, cat, or ferret with a rabies vaccine licensed by the United States Department of Agriculture. Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine.
- III. "Own," unless otherwise specified, shall mean to keep, harbor, or have control, charge, or custody of a dog, cat, or ferret. This term shall not apply to dogs, cats, or ferrets owned by others which are temporarily maintained on the premises of a veterinarian or kennel operator.
- IV. "Owner" shall mean any person keeping, harboring, or having charge or control of, or permitting any dog, cat, or ferret to habitually be or remain on, or be lodged or fed within such person's house, yard, or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs, cats, or ferrets owned by others.
- V. "Stray" shall mean any dog that has wandered beyond limits of confinement or is lost and does not possess any tags of identification.
- VI. "Transient dogs, cats, or ferrets" shall mean any out-of-state dog, cat or ferret temporarily housed in the state for any purpose.
- VII. "Commissioner" shall mean the commissioner of agriculture, markets, and food.
- VIII. "Rabies control authority" shall mean the town or city manager of the respective town or city and, in the absence thereof, the board of selectmen or mayor.
- IX. "Nonbite exposure" means any scratch, abrasion, open wound, or mucous membrane contaminated with saliva or other potentially infectious material, such as brain tissue, from a cat, dog, ferret, or any other domestic or wild animal. Contact with blood, urine, or feces shall not constitute an exposure.

436:100 Rabies Vaccination Required; Exemption. –

- I. Except as provided in paragraph II, every dog, cat, and ferret 3 months of age and older shall be vaccinated against rabies. Young dogs, cats, and ferrets shall be vaccinated within 30 days after they have reached 3 months of age. Unvaccinated dogs, cats, and ferrets acquired or moved into the state shall be vaccinated within 30 days after purchase or arrival, unless under 3 months of age, as specified above. Every dog, cat, and ferret shall be revaccinated between 9

and 12 months after the initial vaccination and subsequently receive booster vaccines as outlined in the most current National Association of State Public Health Veterinarians' Compendium of Animal Rabies Prevention and Control. In rabies infected areas, dogs, cats, and ferrets recently vaccinated shall be kept under control for at least 30 days before being allowed to run free.

II. A rabies immunization exemption may be issued, where illness or a veterinary medical condition warrants, by the local rabies control authority upon the written recommendation of a veterinarian licensed under RSA 332-B. The recommendation shall also be signed by an American College of Veterinary Internal Medicine diplomate and the state veterinarian. The exempted animal shall be maintained in strict rabies isolation, under conditions that are at the discretion of the local rabies control authority, until such time as the medical condition has been resolved and the animal can be immunized against rabies. Exempted animals shall not be allowed outdoors without being on a leash and shall be under the direct physical control of an adult owner at all times. In addition, when the animal is outdoors, it shall be muzzled in a manner approved by the local rabies control authority. The exemption shall be valid for no more than one year from the date of the last signature on the written recommendation for exemption.

436:101 Owner's Statement. –

I. Before vaccinating any dog, cat, or ferret for rabies, the veterinarian shall receive the following statement completed by the dog's, cat's, or ferret's owner in the veterinarian's presence on the same day: I, _____ (owner's name) _____, swear that to my knowledge this dog, cat, or ferret has not bitten anyone within 10 days. The veterinarian shall retain the statement in the veterinarian's files until the dog's, cat's, or ferret's next vaccination.

II. Any owner who submits a false statement shall be guilty of a misdemeanor.

436:102 Duties of Veterinarian. – It shall be the duty of each veterinarian, at the time of vaccinating any dog, cat, or ferret, to complete a certificate of rabies vaccination in triplicate which includes the following information: owner's name and address, description of dog, cat, or ferret (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies vaccine administered, manufacturer's serial number of vaccine, and the expiration date of the vaccination. Distribution of copies of the certificate shall be: the original to the owner, one copy retained by the issuing veterinarian and, within 40 days of the vaccination, one copy to the town or city clerk where the dog, cat, or ferret is kept. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in RSA 436:100. A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, off the owner's premises, and not under the control of the owner or handler while working the dog, the collar or harness with the vaccination tag shall be worn. For the purposes of this section, "working the dog" means a dog doing a defined functional canine activity with its owner or handler such as hunting, field work, drafting, and guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), or participating in any lawful competitive event, including, but not limited to,

conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to functional canine activities. Cats and ferrets shall not be required to wear the collar or harness with the tag.

436:103 Cost. – The cost of rabies vaccination shall be paid by the owner of the dog, cat, or ferret.

436:104 Transient Dogs, Cats, or Ferrets. – The provisions of this subdivision with respect to vaccination shall apply to any dog, cat, or ferret owned by a person temporarily remaining within the state of New Hampshire, any dog, cat, or ferret brought into the state for show purposes, racing or transient hunting dogs or dogs brought into the state for field trials; each dog, cat, or ferret shall be accompanied by individual rabies certificates and tags showing date of vaccination and type of vaccine used with expiration date.

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.

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.

436:105-b Impoundment of Ferret Rabies Suspects. –

I. Any ferret displaying symptoms which indicate a likelihood that such ferret 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 ferret and for preparing the head for shipment to the public health laboratory. If the owner of the ferret is not known, the state shall be responsible for the expense.

II. Any apparently healthy ferret 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 ferret has no signs of rabies at the end of the impoundment, it may be released to the owner. Any illness in the ferret during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the ferret 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 ferret. If the owner of the ferret is not known or if the owner does not consent to impoundment, the ferret 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 ferret and for preparing the head for shipment to the public health laboratory. If the owner of the ferret is not known, the state shall be responsible for the expense.

III. Any healthy ferret 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 ferret shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the ferret may be released from confinement. Any illness in the ferret during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the ferret 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 ferret, for euthanizing the ferret and for preparing the head for shipment

to the public health laboratory. If the owner of the ferret does not consent to the confinement or if the owner of the ferret is not known, the state shall be responsible for the expense.

436:105-c Police Dogs. –

I. Notwithstanding RSA 436:105, III and any other provision of law to the contrary, a police dog which has bitten a person may remain in service subject to the following:

(a) The police dog shall have received its annual immunization for rabies in accordance with this chapter.

(b) The handler of the police dog shall prepare an incident report and submit the report to the appropriate law enforcement agency which shall advise the appropriate local rabies control authority. The incident report shall be confidential. The handler shall be responsible for observing the dog for 10 days after the bite occurred and shall have the dog examined by a veterinarian at the end of the 10-day period. If signs suggestive of rabies develop during the 10-day period, the dog shall be examined by a veterinarian immediately. If the dog dies or is killed during the 10-day period, the head shall be sent for examination to the public health laboratory, department of health and human services.

II. The police dog shall be limited to law enforcement duties during the 10-day period described in subparagraph I(b).

III. For the purposes of this section "police dog" means a dog employed by or on behalf of a law enforcement agency.

436:106 Handling of Dogs, Cats, and Ferrets Bitten by Rabid Animals. – In the case of dogs, cats, and ferrets known to have been bitten by a rabid animal or to have had a nonbite exposure, the following provisions shall apply:

I. Unvaccinated Dogs, Cats, and Ferrets.

(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.

(b) If the owner is unwilling to destroy the dog, cat, or ferret, strict isolation of the dog, cat, or ferret, in a kennel under veterinary supervision and in cooperation with the local authorities, for a minimum of 6 months shall be enforced. The dog, cat, or ferret shall be vaccinated against rabies 30 days prior to completion of the 6-month impoundment. Any illness in the dog, cat or ferret during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the animal shall be euthanized and the head sent for examination to the public health laboratory, department of health and human services. The expense of vaccination shall be paid in advance by the owner, and the expense of

impoundment shall be paid monthly in advance by the owner. In case of default in payment, the local authority may euthanize the dog, cat, or ferret after a 10-day grace period and the head shall be sent for examination to the public health laboratory, department of health and human services. The expense of euthanizing the dog, cat or ferret, for disposal of the remains, and for preparing and shipping the head, shall be the responsibility of the owner.

II. Vaccinated Dogs, Cats, and Ferrets. If the dog, cat, or ferret is vaccinated in accordance with the provisions of RSA 436:100, the dog, cat, or ferret shall be handled as follows:

(a) The dog, cat, or ferret shall be immediately revaccinated and confined for a period of 90 days following revaccination. Any illness in the dog, cat, or ferret during confinement or before release shall be evaluated by a licensed veterinarian. If signs suggestive of rabies develop, the animal shall be euthanized and the head sent for examination to the public health laboratory, department of health and human services. The owner of the dog, cat, or ferret shall be responsible for any expense incurred. The type of confinement shall be at the discretion of the local authority. At the completion of confinement, the dog, cat, or ferret shall be examined by a licensed veterinarian and released if found by said veterinarian to be free of any signs of rabies.

(b) If the dog, cat, or ferret is not immediately revaccinated, the dog, cat or ferret shall be confined in strict isolation in a kennel for 6 months under the supervision of the local authority in cooperation with a licensed veterinarian. The dog, cat, or ferret shall be vaccinated against rabies 30 days prior to completion of the 6-month impoundment. The owner of the dog, cat, or ferret is responsible for all expenses incurred and shall pay each month in advance. If there is default in payment, the local authority may euthanize the dog, cat, or ferret after a 10-day grace period, and the head shall be sent for examination to the public health laboratory, department of health and human services. The expense of destroying the dog, cat or ferret, for disposal of the remains, and for preparing and shipping the head shall be the responsibility of the owner.

(c) The dog, cat, or ferret shall be euthanized if the owner does not comply with the provisions of subparagraph (a) or (b) of this paragraph.

III. (a) In the case of dogs, cats, and ferrets whose vaccination status is unknown and whose owner cannot be located, the provisions of RSA 436:106, I(a) shall apply.

(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.

436:107 Impoundment of Dog Without Tag. – The rabies control authority shall authorize a pound or pounds, or shall enter into a cooperative agreement with a licensed veterinarian, or licensed animal shelter, for the establishment and operation of a pound. Any dog found off the owner's premises and not wearing a valid vaccination tag shall be impounded. All impounded dogs shall be given proper care and maintenance. Each impounded dog shall be kept and maintained at the pound for a minimum of 7 days unless reclaimed earlier by the owner. Notice of impoundment of all dogs, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated dog may be reclaimed by

its owner during the period of impoundment by payment of prescribed pound fees and complying with the rabies vaccination requirement of this subdivision within 72 hours of release. Any vaccinated dog impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all necessary and reasonable impoundment fees prior to release. If the dog is unclaimed at the end of 7 days, the rabies control authority may dispose of the dog in accordance with applicable laws or rules. If the dog is a stray, the town shall be responsible for the expense incurred. This section shall not apply to cats or ferrets.

436:108 Enforcement. – The commissioner shall enforce the provisions of this subdivision for the control of rabies in dogs, cats, or ferrets, and shall adopt such rules, pursuant to RSA 541-A, as necessary to carry out the intent of this subdivision.

436:109 Penalty. – Any person who violates the provisions of this subdivision or rule adopted under it shall be guilty of a violation.

Procedure for Equines Imported From Contagious Equine Metritis (CEM) Countries

436:110 Definitions. – In this subdivision:

- I. "Commissioner" means the commissioner of the department of agriculture, markets, and food.
- II. "CEM" means contagious equine metritis.
- III. "Department" means the department of agriculture, markets, and food.
- IV. "Equine" means horses, including ponies.

436:111 Procedure Established. –

- I. Any person who wishes to establish a quarantine facility for equines imported from CEM affected countries shall have the farm inspected and approved by the department of agriculture, markets, and food.
- II. A representative of the department shall, upon request, make an initial visit to the farm and offer suggestions for any changes required. After this visit, the owner or manager shall prepare a drawing of the farm and a detailed drawing of all buildings, paddocks, or pastures intended for use in quarantine. After these drawings are received, a final inspection shall be made for approval by the state veterinarian.

436:112 Fees; Special Fund Established. – The commissioner shall establish fees for inspections required under this subdivision and for handling and testing equines. There is established in the office of the state treasurer the CEM fund to which all fees collected under this subdivision shall be credited. The fund shall be nonlapsing and continually appropriated to the department and the moneys in the fund shall only be expended for the administration of this subdivision.

436:113 Rulemaking. – The commissioner shall adopt rules, under RSA 541-A, relative to:

- I. Quarantine procedures.
- II. Fees authorized under this subdivision.
- III. Laboratory testing.
- IV. The application procedure to establish a quarantine facility.
- V. Standards and criteria for an equine quarantine facility.
- VI. The application procedure to receive equines that require quarantine.

436:114 Penalty. –

I. Any person who violates this subdivision or any rule adopted under this subdivision shall be guilty of a misdemeanor.

II. In addition, any person who violates this subdivision or any rule adopted under it may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

Testing of Domestic Animals

436:115 Testing of Domestic Animals; Rulemaking. –

I. The commissioner of agriculture, markets, and food may test for disease any domestic animal, as defined by RSA 436:1, that cannot be tested by an accredited veterinarian. The commissioner shall establish fees for such testing which shall be sufficient to carry out any tests performed under this subdivision. The fee shall include, but not be limited to, the costs of mileage, hourly wage, and lodging.

II. The commissioner shall adopt rules, pursuant to RSA-541-A, relative to:

- (a) A fee schedule for testing of domestic animals under paragraph I.
- (b) Any other fees necessary to carry out the testing.

Voluntary Scrapie Flock Certification Program

436:116 Program Goals; Applicable Federal Regulations. – The voluntary scrapie flock certification program is a cooperative effort between APHIS (Animal and Plant Health Inspection Service, United States Department of Agriculture), participating state governments, and sheep and goat producing industries, established and maintained to reduce scrapie's occurrence and spread, identify flocks that have been free of evidence of scrapie over specified time periods, and contribute to the eventual eradication of scrapie. Applicable federal regulations regarding the program and its requirements are contained in 9 CFR parts 54 and 79. Compliance with requirements outlined by this subdivision does not excuse program participants from compliance with the complete program requirements provided by 9 CFR parts 54 and 79.

436:117 Scrapie Certification Board; Membership; Meetings. –

I. There is hereby established the state scrapie certification board which shall administer the voluntary scrapie flock certification program, review program enrollment applications and status advancement, review situations that may result in a reduction of certification status or dismissal from the program, educate producers regarding scrapie, and review and define policies regarding the administration of the program within the state.

II. The board shall consist of 9 members, including:

- (a) The Area Veterinarian-in-Charge (federal Veterinarian), or designee;
- (b) The state veterinarian, or designee;
- (c) One practicing accredited veterinarian;
- (d) One member of the university of New Hampshire cooperative extension; and
- (e) Five goat or sheep producers, with no more than 3 members from either industry.

III. Members specified under subparagraphs II(c)-(e) shall be nominated by breed associations and registries, in consultation with the Area Veterinarian-in-Charge or AVIC designee, and approved by the state veterinarian.

IV. The board shall choose one of its members who is an enrolled producer to serve as its chairperson, and may choose such other officers as it deems expedient. All board members shall be voting members. Five members shall constitute a quorum.

V. Members specified under subparagraphs II(c)-(e) shall serve 3-year terms, except that the terms of no more than 3 such members may expire in any one calendar year. Original appointments for terms of less than 3 years may be made in order to comply with this limitation. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. There shall be no limit to the number of terms such members may serve. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. The Area Veterinarian-in-Charge Designee and the state veterinarian shall be ex officio members.

VI. The board shall meet at least annually and quarterly if necessary, on or about the 15th of the month, and at such other times as it may deem necessary. Prior to any meeting of the board, there shall be published an agenda for the meeting. Minutes of each meeting shall be taken and logged as board records.

VII. Complete board records shall be kept at the department of agriculture, markets, and food.

VIII. An updated list of participating state flocks and their classification with regard to flock category shall be included in the records of the board.

IX. [Repealed.]

436:118 Application for Entry Into the Program. –

I. An applicant to the program shall submit a completed program application to the Area Veterinarian-in-Charge designee. Once the program application has been received, an authorized state veterinarian or the AVIC or AVIC designee shall inspect the flock for evidence of scrapie. The application shall be signed by a board subcommittee consisting of the state

veterinarian, AVIC designee, and board chairperson. The board members shall review the application package. The status date for initial flock enrollment shall be the date that the last signature is applied to the application for entry into the program. The complete application package shall include:

(a) A completed program application;

(b) An inventory of animals in the flock submitted by the flock owner and verified and signed by a state veterinarian or AVIC or AVIC designee, including at least official identification numbers, breed, and sex information as specified by the certification category for which applied, as determined in rules adopted pursuant to RSA 436:5;

(c) A written statement by an accredited veterinarian, if available, or a state veterinarian or AVIC or AVIC designee declaring that the flock is free of scrapie to the best of his or her knowledge; and

(d) An inspection report by an authorized state veterinarian or AVIC or AVIC designee, including verification of the information provided on the application by the flock owner and verification of the official identification of each animal listed in the application.

II. The state veterinarian or AVIC or AVIC designee shall provide each enrolling program participant and his or her accredited veterinarian with an educational scrapie review. Once approved to enter the program, a flock shall be issued an enrollment date. This date shall serve as the status date until the flock fails to meet any of the program standards.

436:119 Advancement in the Program. –

I. When a flock has obtained a status that has met all of the program standards, the flock owner may apply to advance the flock to certified status. The board shall review advancement applications for movement from enrolled status to certified status at the next regularly scheduled board meeting.

II. The advancement application package shall include:

(a) A completed program advancement application form.

(b) An inspection report prepared by a state veterinarian or AVIC or AVIC designee.

(c) An inventory report submitted by the flock owner and verified and signed by a state veterinarian or AVIC or AVIC designee.

436:120 Maintenance of Status. –

I. A flock's status date shall be maintained if, during an annual inspection it meets the requirements of 9 C.F.R. parts 54 and 79 and the Scrapie Eradication Uniform Methods and Rules adopted by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

II. If, during the year at the current status, a flock has not met the minimum requirements for the status currently held, the flock's status date shall convert to the date when the flock was brought back into program compliance.

436:121 Downgrading of Status. – The board shall recommend downgrading a participating flock's status or removing it from the program if its owner or manager has not complied with

the program standards, unless a compelling argument based upon sound scientific principles can be presented. A flock may reenter the program after fulfilling board-determined and program requirements.

436:122 Appeal. – Owner-reported changes in flock status or status date due to flock additions or commingling shall be made as soon as possible following notification of the board or AVIC without review by the board unless the owner requests that the board perform a formal review at the time the acquisition or commingling is reported. The board shall give the owner of the flock an opportunity to present his or her views to the board before it makes its final recommendation regarding reduction or removal. The status of the flock, notification regarding a change in flock status, and any appeal of flock status shall be decided in accordance with 9 CFR parts 54 and 79.

436:123 Confidentiality. –

I. The provisions of paragraph II shall apply in any instance when a sheep or goat producer has entered the program and has voluntarily requested technical help from the board or is inspected by a state animal health official on behalf of the board as established under 9 CFR Parts 54 and 79, and is not at the time the subject of an active enforcement action.

II. With the exception of the state and federal veterinarians, acting in their official capacity, state board members and agents of the board shall not make available to any other regulatory or enforcement agency not involved in the program, or to the public, information obtained in the course of such help or inspection unless:

- (a) The person receiving such inspection agrees that such information may be released;
- (b) The information reveals an imminent threat to human life of the environment;
- (c) The information reveals evidence of a knowing criminal violation;
- (d) The information is presented in aggregate form with no identification of individual entities; or
- (e) The board first notifies any person requesting technical help of the provisions of this section.

**TITLE XL
AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY**

**CHAPTER 437
SALE OF PETS AND DISPOSITION OF UNCLAIMED ANIMALS**

Transfer of Animals and Birds

Section 437:1

437:1 License Required. – No person, firm, corporation or other entity shall engage in the business of transferring with or without a fee or donation required, to the public, live animals or birds customarily used as household pets unless the premises on which they are housed, harbored or displayed for such purposes are duly licensed and inspected by the department of agriculture, markets, and food of the state of New Hampshire. This section shall also apply to commercial kennels and to any person, firm, corporation, or other entity engaged in the business of, including activity as a broker, transferring live animals or birds customarily used as household pets for transfer to the public, with or without a fee required, and whether or not a physical facility is owned by the licensee in New Hampshire when transfer to the final owner occurs within New Hampshire. These provisions shall not effect the provisions of RSA 437:7.

437:2 Definitions. – In this chapter:

I. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization devoted to the welfare, protection and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

I-a. "Commercial kennel" means any person, business, corporation, or other entity that transfers 10 or more litters or 50 or more puppies in any 12-month period.

II. "Department" means the state department of agriculture, markets, and food.

III. "Pet shop" means any establishment licensed to keep, maintain, and transfer certain live animals, birds, and fish at retail to the public.

IV. [Repealed.]

V. "Broker" means any individual or entity acting as agent or intermediary in negotiating or transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire.

VI. "Transfer" means transfer of ownership of live animals, birds, or fish from any person, firm, corporation, or other entity to a member of the public.

437:3 Licenses. – Licenses shall be valid each year from July 1 to the following June 30. Application for licenses shall be made annually in writing to the department accompanied by a fee of \$200. After January 1, the fee shall be \$100. Annual license renewal fee shall be \$200. A license shall be issued if after inspection the department finds that the premises and cages and facilities thereon meet the proper standards for health and sanitation and that their use will not result in inhumane treatment of said animals or birds, and proof is provided with the application 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. Such licenses shall be in the form prescribed by the department, shall be publicly displayed at the premises covered by them, and shall be adjacent to animal display cages. Each such license shall be subject to suspension or revocation at any time by the department, if in the judgment of the department the conditions under which it was issued are not being maintained. Upon

receipt of a written complaint alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time. All license fees shall be deposited in the state treasury.

437:4 Prohibition. – No licensee under this subdivision shall transfer to any member of the public other than to a qualified veterinarian or licensed animal shelter facility any maimed, sick, or diseased animal or bird other than as permitted under RSA 437:10, II nor shall any licensee treat inhumanely any animal or bird in his or her care or possession or under his or her control.

437:5 Rulemaking. –

I. The department may adopt rules, under RSA 541-A, relative to health and sanitation standards to effectuate the purposes of this subdivision.

II. The rules shall also 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.

III. Medical treatment and use of controlled drugs on any animal or bird under the care or possession or under the control of any licensee other than a veterinarian may be administered only under the direction and supervision of a veterinarian for the purposes of this subdivision.

437:6 Information to be Furnished. – Any licensee hereunder shall furnish to the department such information relative to the selling, placing or giving away of animals or birds as provided herein or relative to the maintenance of the premises used for such purposes as may be required by the department.

437:7 Exception. – The license provisions of this subdivision shall not apply to breeders of dogs licensed under the provisions of RSA 466:6; veterinarians; owners and operators of horse riding stables; and auctioneers, breeders or keepers of farm livestock.

437:8 Inspections. – Each licensee's facilities shall be inspected by a employee of the department or by a person appointed by the department at reasonable times determined by the department and no less frequently than once a year with the possibility of additional random inspections. Licensees without a physical facility in New Hampshire shall be exempt from facility inspection, though interstate health certificates or official health certificates for every imported dog, cat, or ferret handled by the licensee shall be submitted to the department for review within one month of the date of writing of the certificate.

437:9 Penalty. –

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

II. In addition, 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 levied by the commissioner not to exceed \$1,000 for each violation.

III. Once a license has been revoked under the provisions of RSA 437:3, the department may require that all animals and birds located on the premises for which such license was revoked

shall be removed by the licensee from said premises within 3 working days after said revocation and be relocated to a safe and sanitary place approved by the department.

Importation and Sale

Section 437:10

437:10 Dogs, Cats, and Ferrets. –

I. No dog, cat, or ferret shall be offered for transfer by a licensee without first being protected against infectious diseases using a vaccine approved by the state veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer shall occur unless the transferred animal is accompanied by a health certificate issued within the prior 14 days. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph II. If an official health certificate is produced, it shall be prima facie evidence of transfer.

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection upon request. The public will be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where the dogs, cats, or ferrets are displayed. Upon transfer of the dog, cat, or ferret, this health certificate shall be updated by the licensee if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog, cat, or ferret and shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness that has caused it to fail its examination by a licensed veterinarian for an official health certificate under paragraph I; the transferee shall sign a waiver that indicates the transferee has knowledge of the dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.

III. Animal shelter facilities, as defined in RSA 437:2, I, are exempt from the requirements of this section relative to transferring dogs, cats, and ferrets except that:

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

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

(c) All animal shelters shall comply with the provisions of RSA 437:10, V and RSA 437:13-a, IV.

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

V. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437:1 or at a facility operated by a licensed veterinarian separated from other animals on the premises before being offered for transfer.

437:11 Importation and Transfer Violation. – In addition to the penalty specified in RSA 437:9, any person, firm or corporation may have the license for a pet shop suspended or revoked by the commissioner of agriculture, markets, and food for violation of this subdivision.

437:13 Examination by Licensed Veterinarian. – Within 14 days of transfer, the transferee of a dog, cat, or ferret from a licensee may have the dog, cat, or ferret examined by a licensed veterinarian selected by the transferee and, unless said examination indicates the dog, cat, or ferret to be free of disease, the transferee shall be entitled to substitution or, at the transferee's option, a full refund of the purchase price of the dog, cat, or ferret, if applicable, upon return of the dog, cat, or ferret to the licensee within 2 business days of said examination, accompanied by the veterinarian's certificate.

437:13-a Health Certificate for Dogs, Cats, and Ferrets. –

I. No dog, cat or ferret shall be transferred by any person in the state or out of the state for a fee without first being inoculated against infectious diseases using a vaccine approved by the state veterinarian. No dog, cat, or ferret shall be transferred by any person in the state or out of the state for a fee unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said health certificate shall be in triplicate, of which one copy shall be sent to the state veterinarian in accordance with RSA 437:8, one copy shall be kept by the person transferring ownership of said dog, cat, or ferret for a period of at least 3 years, and one copy shall be given to the new owner.

II. For purposes of this section, an official health certificate means a certificate signed by a licensed veterinarian on a form approved by the state veterinarian, containing the name and address of the person transferring ownership of the dog, cat, or ferret, the age, sex, breed, and description of the dog, cat, or ferret, a list of all types of vaccines or medication administered to the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or ferret is free from visual evidence of any communicable diseases or internal or external parasites.

III. No person shall transfer or cause to be transferred any dog, cat, or ferret less than 8 weeks of age.

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to transferring dogs, cats, or ferrets except that all dogs, cats, or ferrets transferred out of an animal shelter facility shall have a form of positive identification, including but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner of agriculture, markets, and food and dogs, cats, and ferrets shall be vaccinated against rabies in

accordance with RSA 436. All dogs, cats, or ferrets shall be accompanied by an official health certificate if the dog, cat, or ferret was imported into the state for transfer with or without a fee.

V. The commissioner of the department of agriculture, markets, and food or designee is hereby authorized on the commissioner's own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA 437:13-a, VI. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.

VI. (a) Any person who violates this subdivision shall be guilty of a misdemeanor.

(b) In addition, 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 levied by the commissioner not to exceed \$1,000 for each violation.

Sale, Gift, or Display of Certain Birds and Rabbits

Section 437:14

437:14 Artificial Coloring. – No chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artificially shall be sold or offered for sale; raffled; offered or given as a prize, premium, or advertising device; or displayed in any store, shop, carnival, or other public place.

437:15 Sale or Gift. – Rabbits younger than 4 weeks of age shall not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device.

437:16 Conditions of Keeping and Display. – Stores, shops, vendors, and others offering chicks, ducklings, goslings, or rabbits younger than 4 weeks of age for sale, raffle, or as a prize, premium, or advertising device, or displaying chicks, ducklings, goslings, or rabbits to the public, shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings, or rabbits in good health, and shall keep adequate food and water available to the birds or animals at all times.

437:17 Penalty. – Any person, firm, or corporation violating any of the provisions of this subdivision shall be guilty of a violation; provided that after any violation has been called to the attention of the violator by any law enforcement officer, each day on which such violation continues or is repeated shall constitute a separate offense.

TITLE XL

AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY

CHAPTER 437

SALE OF PETS AND DISPOSITION OF UNCLAIMED ANIMALS

Unclaimed and Abandoned Animals

Section 437:18

437:18 Definitions. – As used in this subdivision, unless the context otherwise requires:

I. "Animal" means a domestic animal, a household pet, or a wild animal in captivity.

II. "Owner" means the person having the right of possession of an animal, whether such right was acquired by gift, purchase, or other means.

III. "Animal care center" means any veterinary establishment, humane society, boarding kennel, or other center providing care and treatment for animals.

IV. "Abandoned animal" means:

(a) Any animal whose owner neglects or refuses to reclaim it within 7 days after the mailing of the notification provided for in RSA 437:19.

(b) Any animal left in an animal care center by a person unknown or by an owner who, when leaving the animal, gives a false name or false address.

(c) Any ferret in the custody of the animal care center for at least 7 days.

(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, 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.

V. "Operator" means the director, manager, veterinarian, or other person charged with the supervision of an animal care center.

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.

437:20 Disposition of Abandoned Animals. – Ownership of an animal shall vest in the operator of the animal care center having custody thereof upon determination that the animal has been abandoned under the provisions of this subdivision, and the operator may dispose of such abandoned animal in any lawful manner as if he were its rightful owner.

437:21 Duty of Operator. – It shall be the duty of the operator of an animal care center, when taking custody of an animal, to advise its owner of the provisions of this subdivision.

437:22 Experimentation and Vivisection Prohibited. –

I. It shall be unlawful for any agent acting on behalf of an animal shelter facility as defined in RSA 437:2, I, or an animal care center as defined in RSA 437:18, III, to give, release, sell, trade or

transfer with or without a fee any live animal brought, caught, detained, obtained or procured by any means, to any association, corporation, individual, educational institution, laboratory, medical facility, or anyone else, for the purpose of experimentation or vivisection.

II. All animals which are put to death by an animal control officer, humane retaining facility, animal care facility, or agents acting on behalf of such a facility shall be put to death humanely using a method approved by the commissioner of the New Hampshire department of agriculture, markets, and food.

III. Any person who violates the provisions of paragraphs I or II shall be guilty of a misdemeanor.

ANIMAL POPULATION CONTROL

437-A:1 Definitions. – In this chapter:

I. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

II. "Department" means the department of agriculture, markets, and food.

III. "Fund" means the companion animal neutering fund established in RSA 437-A:4-a.

437-A:2 Program Established. – The department shall establish and implement an animal population control program. The purpose of this program shall be to reduce the population of unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them permanently sexually sterilized, thereby reducing potential threats to public health and safety from mid-Atlantic rabies and other sources. The program shall not begin operation until June 1, 1994. The commissioner shall report relative to the progress of the program beginning on September 1, 1994, to the president of the senate, the speaker of the house and the governor within its biennial report pursuant to RSA 20:7.

437-A:3 Eligibility of Owner of Dog or Cat to Participate. –

I. (a) A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of \$25:

(1) The Food Stamp Program authorized by Title XIII of the Food and Agriculture Act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(2) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(3) The Temporary Assistance for Needy Families Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(4) The aid to the needy blind program established under RSA 161:2, V.

(5) The medicaid program established under RSA 167.

(6) The old age assistance program established under RSA 167.

(7) The aid to the permanently and totally disabled program established under RSA 167.

(b) A resident of the state who owns a dog or cat and has a household income at or below 130 percent of the federal poverty guidelines shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of \$25.

II. Dogs and cats imported from out of state into New Hampshire animal shelters or adoption agencies shall not be eligible for this program.

437-A:4 Veterinarian Participation. –

I. Any veterinarian licensed in this state may participate in the program established under this chapter. A veterinarian shall file with the commissioner an application on which such veterinarian shall supply, in addition to any other information requested by the commissioner, a fee schedule listing the fees charged for animal sterilization, examination, and the presurgical immunizations specified in RSA 437-A:4, II(b) in the normal course of business. The animal sterilization fee may vary with the animal's weight, sex and species. The commissioner may, however, disqualify from participation in the program any veterinarian whose fees are deemed unreasonable. A fee shall be determined unreasonable if the fee is more than 20 percent greater than the average fee of all those who have applied to participate in the program for the following calendar year. Any application submitted after January 1 will be judged against the existing average for that calendar year.

II. (a) The commissioner shall reimburse, to the extent funds are available, participating veterinarians for 80 percent of the fee, less payment paid by the owner to the veterinarian as provided in RSA 437-A:3, for each animal sterilization procedure administered. To receive this reimbursement, the veterinarian shall submit an animal sterilization certificate which shall be signed by the veterinarian and the owner of the animal.

(b) For all animals sterilized under RSA 437-A:3, the commissioner shall also reimburse, to the extent funds are available, any licensed veterinarian of this state participating in such program for an examination fee and the presurgical immunization of dogs and cats against rabies. Reimbursement for the full cost of the presurgical immunization shall be made by the commissioner to the participating veterinarian upon the written certification, signed by the veterinarian and the owner of the animal, that the immunization has been administered. There shall be no additional charges to the owners of animals sterilized under RSA 437-A:3 for examination fees or the presurgical immunization.

437-A:4-a Fund Established; Solicitation and Acceptance of Funds. –

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, III 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.

II. The commissioner may solicit and accept funds from any public or private source to be used to carry out the provisions of this chapter. All such funds shall be deposited into the fund established under paragraph I.

437-A:5 Rulemaking. – The commissioner shall adopt rules pursuant to RSA 541-A relative to:

- I. Format and content of all forms required under this chapter.
- II. Proof of eligibility under RSA 437-A:3, I.
- II-a. Administration of the fund established under RSA 437-A:4-a.
- III. [Repealed.]

437-A:6 Enforcement; Administrative Fine. – Any person who knowingly falsifies proof of eligibility for, or participation in, any program under this chapter, who furnishes any licensed veterinarian with inaccurate information concerning the ownership of an animal submitted for a sterilization procedure, who furnishes the commissioner with false information concerning an animal sterilization fee schedule or an animal sterilization certificate submitted pursuant to this chapter or who violates any provision of this chapter or rule adopted under this chapter may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

TITLE XLV ANIMALS

CHAPTER 466 DOGS AND CATS

Licensing of Dogs

466:1 Procuring License; Tag. – Every owner or keeper of a dog 4 months old or over shall annually, cause it to be registered, numbered, described, and licensed for one year in the office of the clerk of the city or town in which the dog is kept, and shall cause it to wear around its neck a collar to which shall be attached a metal tag with the following information thereon: the name of the city or town, year of issue of license and its registered number. The tag and license shall be furnished by the clerk at the expense of the city or town. Regardless of when the license is obtained, the license shall be effective from May 1 of each year to April 30 of the subsequent year.

466:1-a Vaccination Required. –

I. Before a license is issued under the provisions of this subdivision, the owner or keeper of a dog shall furnish to the clerk verification from a licensed veterinarian that the dog has been vaccinated against rabies in accordance with the provisions of RSA 436. Persons applying for a group license under RSA 466:6 shall also furnish to the clerk verification from a licensed

veterinarian that the dogs have been vaccinated against rabies in accordance with RSA 436.

II. Notwithstanding paragraph I, if a valid rabies certificate is on file with the clerk in accordance with RSA 436:102, the owner shall not be required to produce such verification at time of licensure.

466:1-b Rabies Certificate. – Upon receipt of a copy of a rabies certificate from a veterinarian pursuant to RSA 436:102, the clerk of the town or city shall send written notice to the owner or keeper of any unlicensed dog relative to the licensing requirements provided for in RSA 466:1. If the owner or keeper of the unlicensed dog fails to license the dog in a timely manner, the town or city clerk shall notify the local law enforcement officer of a violation of RSA 466:1.

466:1-c Authorization to Issue Licenses; Local Law Enforcement Officers. – The town or city clerk may authorize a local law enforcement officer to issue licenses and collect license fees pursuant to RSA 466:4. For the purposes of this section, a local law enforcement officer means the local police department of the city or town, the dog officer in a city or town, or a humane society which performs animal control functions as may be designated by the local governing body. The town or city clerk shall determine the criteria for the receipt of funds and recordkeeping.

466:1-d Lists of Licensed Dog Owners. –

I. Except as provided in paragraphs II and III and RSA 466:11 and RSA 466:14, no dog registration records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

II. Dog registration records, information, or lists may be made available pursuant to a court order or in response to a request from the state, a political subdivision of the state, the federal government, or a law enforcement agency solely for use in official business. The request shall be on a case-by-case basis. Any information, record, or list received pursuant to this paragraph shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph, except as provided in RSA 466:13.

III. Without otherwise compromising the confidentiality of the files, nothing in this section shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected, or to a person or agency attempting to provide for the welfare of an animal.

466:2 Part of Year. – An owner of a dog may at any time have it licensed until the ensuing May 1; and a person becoming the owner or keeper of a dog not duly licensed after May 1 shall cause it to be registered, numbered, described and licensed as provided in RSA 466:1.

466:3 Transfer. – A license duly recorded shall be valid in any part of the state, and may be transferred with the dog licensed. The clerk of the town or city may charge \$1.50 to cover the cost of the tag for the new license.

466:4 Fees. –

I. (a) The fee for every license for a year or portion of a year shall be:

(1) \$4.50 for dogs at least 4 months old but less than 7 months old which are not spayed or neutered and \$4.50 for a neutered male or spayed female dog 7 months old or older; provided, however, that the owner or keeper of such spayed female dog or neutered male dog shall comply with the provisions of RSA 466:1-a to the satisfaction of the clerk of the town or city in which such dog is owned or kept; or

(2) \$7 for any unneutered male or unspayed female dog 7 months old or older.

(b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of \$2.

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the companion animal neutering fund, established in RSA 437-A:4-a.

II. Notwithstanding paragraph I, the fee for every license for a year or a portion of a year shall be \$2 for a dog of either sex if the owner is 65 years of age or older. Such owner shall not be required to pay the companion animal population control fee, under RSA 466:4, I(b), for licensing of one dog; provided, however, that, if such owner wishes to license more than one dog, the fee for any additional license shall be as provided in paragraph I.

III. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licensed, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of gross annual income from the sale or transfer of dogs. The owner or keeper of any dog licensed under this paragraph shall not be assessed a companion animal population control fee.

466:5 Disposal of Fees. – All moneys arising from the licensing of dogs and cats, if the municipality licenses cats, remaining in the treasury of any town or city at the end of the town or city fiscal year, which is not due to holders of orders given for loss of or damages to domestic animals by dogs, or which has not been paid to the department of agriculture, markets, and food under RSA 466:9 or the state treasurer under RSA 466:4, I(c) shall be for the use of the town or city.

466:6 Group Licenses. –

I. The owner or keeper of 5 or more dogs shall annually by April 30 pay the required fee and obtain a license authorizing the owner or keeper to keep the dogs upon the premises described in the license, or off the premises while under such owner's or keeper's control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under RSA 466:4, III unless such person has a commercial kennel as defined under RSA 466:4, III.

II. No town clerk shall refuse to issue a group license to an owner or keeper who has complied with the requirements of this subdivision.

III. The fee shall be \$20 for the group license, \$2 of which shall be remitted to the town clerk

for deposit into the companion animal neutering fund, established in RSA 437-A:4-a, as the companion animal population control fee, and \$18 shall be retained by the town or municipality.

IV. No fee shall be required for dogs which are under the age of 3 months.

V. Upon request, an owner or keeper shall receive numbered license tags for each dog included under the owner's or keeper's group license.

466:7 Additional Charge Where Payment of License Fee is Delayed. – In addition to the license fees provided in RSA 466:4, there shall be a charge of \$1 for each month or any part thereof that the fees remain unpaid if said fees are not paid before June 1 in any year.

466:8 Exemption From Fees for Registration and Licensing. –

I. No fee shall be required for the registration and licensing of a dog which has served with the armed forces of the United States and has received an honorable discharge therefrom.

II. No fee shall be required for the registration and licensing of a service animal dog as defined in RSA 167-D:1, IV. When registering and applying for a license for a dog that is a service animal, the owner or trainer shall present an identification card issued by a recognized dog training agency. If a dog has been trained by its owner and does not have an identification card issued by a recognized dog training agency or school, in order to register and license a dog that is a service animal, the dog shall meet the minimum training standards for public access as set by the International Association of Assistance Dog Partners as determined by a service animal trainer, as defined in RSA 167-D:1, V, and the owner shall present a letter from a health care professional stating that the individual requires the use of a service animal to perform tasks directly related to his or her disability.

III. The owner of a dog that is a service animal may elect for the registration and licensing of such dog to be permanent and not subject to annual renewal so long as such dog has met the requirements of this section.

IV. For the purpose of this section, the town clerk of each town or municipality shall determine the process by which permanently registered dogs that are service animals will be tracked for town purposes and ensure that town service animal owners are not required to participate, in any way, with an annual renewal of such dog's registration or licensing. In cases of change of town of residency, the service animal owner shall re-register the dog at no cost. If the owner has elected to obtain a tag through the governor's commission on disability as set forth in paragraph V, the owner shall let the governor's commission on disability know of any change in town of residency.

V. Certificates and tags stamped "G C D--Permanent Registration" with a registration number shall be issued by the governor's commission on disability to those who wish to affix such a tag on their service animal's collar after registering the dog under paragraph II. Tags and certificates may be obtained directly from the governor's commission on disability which will verify with the town clerk that such dog has met the requirements under paragraph II and is duly registered and licensed by the town of residency. Tags issued by the governor's commission on disability shall not be used to verify the legitimacy or authenticity of a service animal for any

purpose.

VI. Upon the death or retirement of a service animal, the owner or person in possession of the service animal tag shall immediately return the tag to the governor's commission on disability.

VII. The tag identifying a service animal shall be used only by an eligible service animal, as defined in RSA 167-D:1, IV.

VIII. The owners and trainers of dogs that are service animals shall comply with all state and local ordinances regarding rabies certification under RSA 436:102 and RSA 466:1-a.

466:9 Payment of Fees. –

I. Clerks of the towns and cities shall issue dog licenses, receive the money for the licenses, and pay the same into the treasuries of their respective towns and cities on or before June 1 each year, retaining to their own use \$1 for each license and submitting \$.50 for each license to the department of agriculture, markets, and food for the purpose specified in paragraph II. The clerks shall return to their respective town or city treasurer a sworn statement of the amount of moneys thus received and paid over by them.

II. The \$.50 received by the department of agriculture, markets, and food for each license issued pursuant to paragraph I shall be credited to a special nonlapsing fund to be used exclusively for the operation of the veterinary diagnostic laboratory established under RSA 436:92, and are hereby continually appropriated for such purpose to be expended under the supervision of the commissioner of agriculture, markets, and food.

466:11 Records. –

I. Clerks of towns and cities shall keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions of all such dogs. Clerks of towns and cities shall furnish yearly to the local governing body a list of those owners who have failed to renew their license for use in preparing the warrant of unlicensed dogs.

II. With the owner's consent, a veterinarian may report the euthanizing or death during treatment of a licensed dog to the town or city clerk in order to have the record reflect that the dog was euthanized or died. A veterinarian providing such a report may also provide the town or city clerk with the mailing and street addresses of the owner of the dog. Written reports, if any, shall be destroyed after receipt by the town or city clerk, and any resulting record reflecting the dog's death shall not specify the manner or cause of death.

466:12 Account. – Each city and town treasurer shall keep an accurate and separate account of all moneys received and expended by such treasurer under the provisions of this chapter relating to dogs and cats.

466:13 Forfeiture. – Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to RSA 466:1 shall forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within 15 calendar days of the notice of forfeiture, the case may be disposed of in a district

court as a violation with a fine not to exceed \$50, notwithstanding the provisions of RSA 651:2, IV. A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter.

Licensing of Cats

Section 466:13-a

466:13-a Licensing of Cats. – The governing body of a municipality may vote to license cats in a similar manner as it licenses dogs. If a municipality elects to license cats, the same penalties shall apply for unlicensed cats as for unlicensed dogs, and the provisions of RSA 466:8 of the preceding subdivision shall not apply to cats. If a municipality elects to license cats, it shall also develop a procedure similar to the procedure in RSA 466:4, III and 466:6 for group licensure. If a municipality elects to license cats, it shall require cats to have a form of identification, including, but not limited to a tattoo, collar, surgically implanted microchip or ear tag, or any other form approved by the commissioner of agriculture, markets, and food. The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, relative to the forms of identification.

Unlicensed Dogs

Section 466:14

466:14 Warrants; Proceedings. – The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$7 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

Section 466:15

466:15 Fees. – Such officers, other than those employed under regular pay, shall receive such compensation for services performed under RSA 466:14 as may be determined by the mayor of the city or the selectmen of the town in which such dogs are seized and held.

Section 466:16

466:16 Returns. – Each local law enforcement officer to whom the warrant named in RSA 466:14 is issued shall return the warrant, on or before August 31, to the local governing body issuing it and, shall state in the return the number of owners who received and paid the civil forfeiture, the number of dogs in the city or town which have been seized and held under the provisions of RSA 466:14, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture pursuant to RSA 466:13 or to license the dog pursuant to RSA 466:1.

Section 466:18-a

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 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.

Remedies and Penalties for Injuries Done by Dogs

466:19 Liability of Owner or Keeper. – Any person to whom or to whose property, including sheep, lambs, fowl, or other domestic creatures, damage may be occasioned by a dog not owned or kept by such person shall be entitled to recover damages from the person who owns, keeps, or possesses the dog, unless the damage was occasioned to a person who was engaged in the commission of a trespass or other tort. A parent or guardian shall be liable under this section if the owner or keeper of the dog is a minor.

466:28 Killing Dogs Legalized. – Any person may kill a dog that suddenly assaults the person while such person is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog that is found out of the enclosure or immediate care of its owner or keeper worrying, wounding, or killing sheep, lambs, fowl, or other domestic animals.

Muzzling and Restraining Dogs

466:29 Order; Rabies Epidemic. –

I. In the case of a rabies epidemic, the mayor and aldermen of a city or the selectmen of a town may order that all dogs within the limits of the city or town shall be muzzled or restrained from running at large during the time prescribed by such order. After passing the order, the governing body of such city or town shall post a certified copy of the order in 2 or more public places in the city or town, or, if a daily newspaper is published in the city or town, publish a copy at least once in the newspaper.

II. The mayor or aldermen or selectmen may issue their warrant to one or more of the police officers of such city or town who shall, after 24 hours from the publication of the notice required under paragraph I, impound all dogs found running at large contrary to such order. The dog owner shall be notified, if the owner's identity is known. Any dog impounded in accordance with this section who has been conclusively found to be rabid shall be destroyed in the most humane manner possible. After 7 consecutive days of impoundment, title of a dog shall pass to the facility holding the dog, unless the owner has claimed such dog. The owner of the dog shall be responsible for all costs associated with the impoundment of the dog under this section.

466:30 Special Notice. – The mayor and aldermen or selectmen may cause special service of any order issued under RSA 466:29 to be made upon any person, requiring that a dog owned or kept by the person shall be muzzled or restrained from running at large, by causing a certified copy of the order to be delivered to such person. If the person refuses or neglects to comply within 12 hours, the person shall be fined not more than \$25.

466:30-a Dog Control Law. –

I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, for guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), for supervised competition and exhibition, or for training for such. For the purpose of this section, "accompanied" means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, where training is being conducted, where trials are being held, or where the dog is guarding, working, or herding livestock. Nothing herein provided shall mean that the dog must be within sight at all times.

II. In this section, "at large" means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian.

III. Any authorized person may seize, impound or restrain any dog in violation of this section and deliver said dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs pursuant to applicable laws.

IV. In addition to impounding a dog found at large or in violation of this section, any local law enforcement officer may issue, in the name of the owner or keeper of such dog, a notice of violation for a nuisance dog pursuant to RSA 466:31, II(a).

V. The provisions of this section shall not be effective in any city or town unless adopted by a city or town pursuant to RSA 466:30-b.

466:30-b Referendum. –

I. (a) Any city or town desiring to adopt the provisions of RSA 466:30-a may do so by approving as described in paragraph II or III the following question: "Shall we adopt the provisions of RSA 466:30-a which make it unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised competition and exhibition or training for such?"

(b) The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question.

(c) If a majority of those voting on the question vote "Yes," RSA 466:30-a shall apply within the city or town.

II. (a) In a town, the question shall be included in the annual meeting warrant upon a vote of the selectmen or upon application of voters according to the provisions of RSA 39:3 for annual meetings.

(b) The selectmen shall hold a public hearing on the question at least 15 days but not more than 30 days before the annual meeting. Notice of the hearing shall be posted in 2 public places in the town and published in a newspaper of general circulation in the town at least 7 days in advance.

(c) Voting shall be by official ballot if that system has been adopted by the town. In other towns, voting shall be by a special ballot prepared by the clerk.

III. In a city, the question shall be placed on the official ballot for any regular municipal election upon a vote of the city council or upon submission to the city council of a petition signed by 5 percent of the registered voters.

IV. Any town or city which has adopted RSA 466:30-a may rescind its adoption by majority vote of those voting on the question submitted to the voters in the same manner as provided for adoption under paragraph II or III. The question on rescission shall read: "Shall we rescind our adoption of RSA 466:30-a concerning dog control so that it will no longer be unlawful for a dog to run at large in this town (or city)?"

V. A town or city which either does not adopt, or rescinds its adoption of, RSA 466:30-a, may adopt other ordinances pertaining to dogs running at large under RSA 31:39 or RSA 47:17, XI.

Section 466:31

466:31 Dogs a Menace, a Nuisance or Vicious. –

I. [Repealed.]

II. Under this section, a dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:

(a) If a dog is "at large," which means it is off the premises of the owner or keeper and not

under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subparagraph shall not include a dog which is being used for hunting, supervised competition, exhibition, or training for such activities if accompanied by the owner or custodian, or a dog which is guarding, working, or herding livestock, as defined in RSA 21: 34-a, II(a)(4), meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time;

(b) If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4);

(c) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's;

(d) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;

(e) If it growls, snaps at, runs after, or chases any person or persons not on the premises of the owner or keeper;

(f) If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways;

(g) If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

II-a. If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the animal officer, if any, or to the town clerk, such officer or clerk shall, within 24 hours, notify the injured person, or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog has been appropriately immunized against rabies.

III. (a) Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the police of the city, constable of the town, or other person authorized by the town and such disposition made of the dog as the court may order.

(b) Notwithstanding RSA 466:31-a, if a law enforcement officer does not witness the nuisance behavior, the name of the complainant shall be released as public information before any fine under RSA 466:31-a shall be levied.

466:31-a Penalties. –

I. Any person who violates any provision of RSA 466:31 shall be guilty of a violation; provided

that if such person chooses to pay the civil forfeiture specified in paragraph II, the person shall be deemed to have waived the right to have the case heard in district or municipal court and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture specified in paragraph II shall have the case disposed of in district or municipal court.

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer or other person authorized by the town to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

(a) \$25 for the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d); \$100 for the second or subsequent nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d).

(b) \$50 for the first menace offense under RSA 466:31, II(e) or (f); \$200 for the second or subsequent menace offense committed within 12 months of the first menace offense under RSA 466:31, II(e) or (f).

(c) \$100 for the first vicious offense under RSA 466:31, II(g).

(d) \$400 for the second or subsequent vicious offense committed within 12 months of the first vicious offense under RSA 466:31, II(g).

III. Any person who pays a civil forfeiture specified in paragraph II 2 times in any 12-month period according to the records of the town or city clerk, may not pay a civil forfeiture for subsequent violations of RSA 466:31 in that 12-month period, but shall have those cases disposed of in district or municipal court. In the case of a vicious dog, as described by RSA 466:31, II(g), where its behavior presents a threat to public safety, immediate district court or municipal court proceedings may be initiated in lieu of the civil forfeiture.

466:32 Officers' Fees. – Police officers or constables shall be compensated for service under RSA 466:31 as provided in RSA 466:15.

Damages to Game

466:33 Dogs at Large. – It shall be unlawful for the owner or custodian of any dog to permit such dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where livestock is pastured, at any time of the year; provided that hares and rabbits may be hunted with dogs during the open season under the owner's control and supervision. Any organized club may hold a club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which said trial is to be held, and shall notify the executive director of the fish and game department at least 2 weeks in advance of the date and place of the trial. Whoever violates the provisions of this section shall

be guilty of a violation. Dogs which are guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), shall be exempt from this section.

466:34 Pursuing Game, Etc. – Any owner of a dog to whom notice has been given that such dog, when at large, has been discovered pursuing or harassing moose, caribou, deer or sheep, or injuring any domestic creature, shall be guilty of a violation for each subsequent occasion on which said dog shall be so discovered.

466:35 Maiming Game. – If any dog, at any time, shall maim, injure or destroy any wild animal protected by law, the owner thereof shall be fined the same amount which the statutes impose upon persons for killing the same animal contrary to law.

466:36 Killing Dogs. – Any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer may kill any dog found in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal. No civil action for recovery of damages shall lie against any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer while acting under authority granted herein. The owner or owners of any dog or dogs caught in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal shall be guilty of a violation and notwithstanding the provisions of Title LXII may be fined up to \$500.

Penalties, etc.

466:37 Official Neglect. – Any city or town officer who refuses or willfully neglects to perform the duties imposed upon such officer by this chapter relating to dogs shall be guilty of a violation, the fine to be paid to the city or town.

466:38 How Recoverable. – All fines and penalties provided in this chapter relating to dogs may be recovered on complaint before a district court or municipal court in the town or county where the offense is committed.

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.

Miscellaneous

466:40 Mutilation Prohibited. – Any person who shall crop or cut or cause to be cropped or cut off the whole or any part of the ear of a dog, unless such person is a veterinarian duly registered under the provisions of RSA 332-B and unless such operation is performed while the dog is under an anesthetic, shall be fined not more than \$250.

466:40-a Possession of Cropped Dog. – The possession of a dog with an ear cropped or cut off and with a resulting wound unhealed, confined upon the premises of or in charge or custody of any person, shall be prima facie evidence of a violation of the provisions of RSA 466:40 by the person in control of such premises or the person having charge or custody, unless such person shall have in the person's possession a certificate of cropping signed by a veterinarian duly registered under the provisions of RSA 332-B certifying that the veterinarian performed the operation in accordance with the provisions of RSA 466:40, giving the date of the operation, the name of the owner of the dog and a description of the dog.

466:42-a Stealing Dogs, etc. – Whoever wrongfully removes the collar from or steals a dog licensed and collared as aforesaid shall be guilty of a misdemeanor. Whoever distributes or exposes a poisonous substance with intent that the same shall be eaten by any dog shall be guilty of a misdemeanor and shall be liable to the dog's owner for its value.

466:42-b Civil Recovery. – Whoever wrongfully kills or maims, entices or carries away a licensed dog shall be liable to its owner for its value in a civil proceeding.

466:44 Restaurants and Food Stores. –

I. Except as provided in paragraph II, no person shall bring any animal into any restaurant or any store that sells food; and no person shall allow any animal to enter in any store that sells food, except for service animals as provided in RSA 167-D. Whoever violates the provisions of this paragraph shall be guilty of a violation.

II. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a service animal is present.

466:45 Responsibility of Cities and Towns. – Every city and town shall inform every restaurant and every store that sells food in such city or town of the provisions of RSA 466:44.

Guard Dogs in Commercial Establishments

466:46 Definitions. – In this subdivision:

I. "Commercial establishment" means any business operated by a person, firm, partnership, corporation or other legal entity which sells, rents, leases or otherwise transacts a retail or wholesale business with the general public.

II. "Custodian of guard dog" means any person, firm, partnership, or corporation which owns, leases or maintains a guard dog on the property of a commercial establishment to protect the establishment from unauthorized intrusion.

III. "Guard dog" means any breed of dog of either sex which is utilized to attack or repel unauthorized intruders whether on command or by instinct.

IV. "Local law enforcement authority" means the local police department of the city or town or the dog officer in a city or town, as may be designated by the city council or board of selectmen.

466:47 License. – A guard dog shall be licensed pursuant to RSA 466:4.

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.

466:49 Registration Fee. – The annual registration fee for a guard dog shall be \$10, paid to the local law enforcement authority for deposit in the general fund of the city or town. Each registration shall expire one year from the date of issue.

466:50 Registration Requirements. – Prior to approval of the registration of any guard dog, the custodian shall provide to the local law enforcement authority satisfactory proof of the following:

I. That the premises to be guarded by the guard dog has sufficient restraining devices, such as fences or walls, to prevent access by the public during the periods that the guard dog is used to protect the premises from unauthorized entry or the escape by the guard dog from the enclosed premises.

II. That the guard dog shall be treated and maintained in a humane manner whether or not the dog is on guard duty.

III. That the custodian has liability insurance for each dog of not less than \$100,000 to protect the general public, in the event the guard dog eludes confinement and attacks and injures a person on public or private property.

IV. That the guard dog has been properly licensed pursuant to RSA 466:4.

V. That the premises to be guarded by a guard dog shall be properly posted to warn the general public with sufficient number of signs as may be required by the local law enforcement authority.

466:51 Inspections. – The local law enforcement authority shall inspect the premises of each custodian of a registered guard dog during normal business hours. If conditions on said premises do not meet the requirements of RSA 466:50, the local law enforcement authority shall direct removal of the dog until the defect is corrected.

466:52 Hearing. – If the custodian of a registered guard dog has had the dog's registration voided pursuant to RSA 466:51, the custodian may request in writing a hearing before the city council or board of selectmen, as appropriate, and said hearing shall be conducted within 30 days of receipt of the request for the hearing. The decision of either the city council or board of selectmen shall be final; provided, however, the custodian may appeal to the appropriate superior court within 30 days for a trial de novo.

466:53 Notification to Local Agencies. –

I. The local law enforcement authority shall notify the local fire department and other agencies which may need emergency access to the guarded premises, as may be appropriate, that a guard dog has been duly registered and is authorized to be in a specifically designated commercial establishment.

II. The custodian shall provide the local law enforcement authority with the name or names of persons to be contacted in the event of an emergency, who are able to control the guard dog and permit unimpeded access to the commercial establishment to handle the emergency as may be necessary.

466:54 Penalty. – Any person, firm, partnership or corporation who violates any provision of this subdivision shall be guilty of a violation for the first offense and guilty of a misdemeanor for subsequent offenses.

**CHAPTER 466-A
WOLF HYBRIDS**

466-A:1 Definitions. – In this chapter:

I. [Repealed.]

II. "Canine" means a member of a species of mammal consisting of dogs, wolves, jackals, foxes, and coyotes.

III. "Hybrid" means an offspring of 2 animals of different species or genera.

IV. "Owner" means any person keeping, harboring, or having charge or control of a hybrid, or permitting any hybrid to habitually be or remain on, or be lodged or fed within such person's house, yard, or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises hybrids owned by other persons.

V. "Person" means any individual, partnership, company, association, trust, corporation, governmental unit or agency, or any other legal entity.

VI. "Wolf" means any canine classified as *Canis lupis* or *Canis rufus*.

VII. "Wolf hybrid" means any canine which has had a wolf ancestor within the previous 4 generations. This definition shall include a wolf or wolf hybrid as either a sire or dam, grandsire or dam, great-grandsire or dam or great-great grandsire or dam. An animal shall also be considered a wolf hybrid if it has been represented by its owner or former owner as having wolf ancestry.

466-A:2 General Applicability. – The provisions of RSA 466, RSA 436:99-109 and RSA 644:8, shall apply to wolf hybrids, except as modified by the provisions of this chapter.

466-A:3 Prohibitions. –

I. No person shall sell or resell, offer for sale or resale, or release or cause to be released a wolf hybrid in the state of New Hampshire.

II. (a) A person may import a wolf hybrid provided the wolf hybrid is spayed or neutered and has proper documentation of the spaying or neutering.

(b) A person may bring a wolf hybrid into the state temporarily for competitive events.

III. Any person possessing a wolf hybrid shall keep accurate licensing and vaccination records, as required by RSA 466-A:2 and neutering records, as provided in RSA 466-A:3, II, which shall be available for inspection by an animal control officer or law enforcement officer.

466-A:4 Vaccination. – The owner of a wolf hybrid shall be required by the veterinarian administering the rabies vaccination, as required by RSA 436:100, to sign an affidavit in the presence of a veterinarian indicating awareness that the use of the canine-approved vaccine on wolf hybrids is experimental and acknowledging that neither the veterinarian administering the vaccine nor the manufacturer of the vaccine shall be liable in the event the wolf hybrid contracts rabies. The commissioner of the department of agriculture, markets, and food shall determine the form and content of this affidavit by rules adopted pursuant to RSA 541-A. If the commissioner of agriculture, markets, and food makes a determination that the rabies vaccine is proven to be effective when administered to wolf hybrids, then the signing of this affidavit shall no longer be required.

466-A:5 Confinement. – Each wolf hybrid shall be under the physical control of the owner or confined in an enclosure or structure sufficient to prohibit escape. Adequate facilities and shelter, clean of waste and debris and free of infestation, shall be provided for keeping such animal.

466-A:5-a Rulemaking Authority. – The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, relative to standards for confinement and control under RSA 466-A:5.

466-A:6 Penalty; Administrative Fines. –

I. Any person in violation of this chapter or any rule adopted under this chapter shall be guilty of a class A misdemeanor.

II. Any person who violates any provision of this chapter, or any rule or order of the commissioner of agriculture, markets, and food, shall be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

CHAPTER 467 RUNNING AT LARGE

467:1 Bull. – An owner or keeper of a bull more than 6 months old, who willfully or negligently permits such bull to run at large, out of the enclosure of such owner or keeper, shall be guilty of a violation, and any fine collected hereunder shall inure to the use of the town in which the offense was committed, and shall also be liable to a party injured for the damage done by such bull while running at large.

467:1-a Stallions. – Any owner or keeper of a stallion more than 12 months old, who willfully or negligently permits such stallion to run at large, out of the enclosure of such owner or keeper, shall be guilty of a violation. The fine imposed shall be for the use of the town in which the offense was committed, and the guilty party shall also be liable to the party injured and for damage done by such stallion running at large.

467:2 Ram. – If any person shall willfully or negligently suffer any ram belonging to him, or in his care, to go at large out of his enclosure between August 1 and December 1 in any year he shall be guilty of a violation for each offense.

467:3 Wild Boar. – Any person or corporation owning or possessing wild boar in this state shall at all times keep such wild boar in a safe and suitable enclosure so that they may not run at large or damage the person or property of others.

467:4 Abatement. – Any person or corporation owning or having introduced wild boar into this state who shall have suffered, permitted, or otherwise failed to prevent the escape of such wild boar shall abate, at his or its own expense, the public nuisance resulting therefrom on or before April 1, 1950, by employing all reasonable means to capture or exterminate such wild boar and their progeny. Persons suffering damage to their lands, property or person after April 1, 1950, caused by wild boar at large as specified in this section, and which are not captured or exterminated as herein provided within the specified time limit, may recover such damage in an action of trespass against the said owner, or person or corporation having introduced the same into this state.

467:5 Liability. – Any person or corporation owning or possessing wild boar in this state who shall violate the provisions of RSA 467:3 shall be liable in an action of trespass for all damage done by said wild boar to the lands, properties or persons of others.

467:6 Nature of Remedy. – The remedies created and duties imposed by RSA 467:4 and 467:5 shall be deemed cumulative and are not intended to modify or supersede any remedy available or duty imposed at common law.

CHAPTER 468 ANIMAL BRANDS AND MARKS

468:1 Marks; Record. – Any person may mark in the ear or brand his sheep as he may think proper, and may cause a description of such mark or brand to be recorded by the town clerk of the town in which he resides or in which his sheep may be kept. The town clerk shall be entitled to receive \$.06 for recording the same.

468:2 Altering Brand, etc. – If any other person shall willfully alter, cut out or deface the mark or brand of any such sheep, or if any person, under pretense of marking the same, shall cut off the ear or ears of any sheep, he shall be guilty of a violation.

**TITLE LII
ACTIONS, PROCESS, AND SERVICE OF PROCESS**

**CHAPTER 508
LIMITATION OF ACTIONS**

508:19 Liability; Equine Activities. –

I. In this section:

(a) "Engages in an equine activity" means rides or drives an equine; or assists in medical treatment of an equine; or is a passenger upon an equine; or is a passenger in a vehicle drawn by an equine; or trains, whether mounted or unmounted, an equine; or who is involved in event management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator is in an unauthorized area and in immediate proximity to the equine activity.

(b) "Equine" means a horse, pony, mule, donkey, or hinny.

(c) "Equine activity" means:

(1) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, 3-day events, combined training, rodeos, driving, pulling, cutting, polo, steeple chasing, hunting, english and western performance riding, endurance riding, games, and eventing.

(2) Equine training or teaching activities.

(3) Boarding equines.

(4) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine.

(5) Rides, trips, hunts, field trials, or other equine activities of any type, however informal or impromptu, that are sponsored by an equine activity sponsor.

(6) Placing or replacing shoes on an equine.

(d) "Equine activity sponsor" means an individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or not for profit, which sponsors, organizes, or provides for, equine activities, including, but not limited to, pony clubs, 4-H clubs, field trial clubs, hunt clubs, riding clubs, school and college sponsored classes, programs and activities, therapeutic riding programs, stables, clubhouses, pony ride strings, fairs, and arenas at which the activity is held.

(e) "Equine professional" means a person engaged for compensation:

(1) In instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine.

- (2) In renting equipment or tack to a participant.
- (3) In providing daily care of horses boarded at an equine facility.
- (4) In training an equine.

(f) "Inherent risks of equine activities" means those dangers and conditions which are an integral part of equine activities, including, but not limited to:

- (1) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them.
- (2) The unpredictability of an equine's reaction to such things as sounds, sudden movements, and unfamiliar objects, persons, or other animals.
- (3) Certain hazards such as surface and subsurface conditions not obvious to the equine participant or not known and reasonably not known by the equine professional or sponsor.
- (4) Collisions with other equines or objects that can be reasonably foreseen as a result of normal equine activities.
- (5) The potential of a participant to act in a negligent manner that may contribute to injury of the participant or others, such as failing to maintain control over the animal or not acting within the participant's ability; except where said negligence can be reasonably foreseen and the equine professional or sponsor has failed to take any corrective measures.

(g) "Participant" means any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

II. Except as provided in paragraph III of this section, an equine activity sponsor, an equine professional, or any other person engaged in an equine activity, shall not be liable for an injury or the death of a participant resulting from the inherent risks of equine activities and, except as provided in paragraph III of this section, no participant's representative shall make any claim against, maintain an action against, or recover from any other person for injury, loss, damage, or death of a participant resulting from any of the inherent risks of equine activities. Each participant in an equine activity expressly assumes the risk of and legal responsibility for any injury, loss or damage to person or property which results from participation in an equine activity. Each participant shall have the sole responsibility for knowing the range of his or her ability to manage, care for, and control a particular equine or perform a particular equine activity, and it shall be the duty of each participant to act within the limits of the participant's own ability, to maintain reasonable control of the particular equine at all times while participating in an equine activity, to heed all posted warnings, and to refrain from acting in a manner which may cause or contribute to the injury of any person.

III. Nothing in paragraph II of this section shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person engaged in an equine activity, if the equine activity sponsor, equine professional, or person:

(a) Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury.

(b) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity.

(c) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and for which warning signs have not been conspicuously posted.

(d) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury.

(e) Intentionally injures the participant.

TITLE LXII CRIMINAL CODE

CHAPTER 634 DESTRUCTION OF PROPERTY

Section 634:3

634:3 Unauthorized Use of Propelled Vehicle or Animal. –

I. A person is guilty of a misdemeanor if, knowing that he does not have the consent of the owner, he takes, operates, exercises control over, or otherwise uses a propelled vehicle or animal. A person who engages in any such conduct without the consent of the owner is presumed to know that he does not have such consent.

II. As used in this section, "propelled vehicle" has the same meaning as in RSA 637:9, III.

CHAPTER 635 UNAUTHORIZED ENTRIES

Section 635:3

635:3 Trespassing Stock. – If any person having the charge or custody of any sheep, goats, cattle, horses, or swine shall knowingly, recklessly, or negligently suffer or permit the same to enter upon, pass over, or remain upon any improved or enclosed land of another without written permission of the owner, occupant, or his agent, and thereby injures his crops, or property, he shall be guilty of a violation.

635:4 Prescribed Manner of Posting. – A person may post his land to prohibit criminal trespass and physical activities by posting signs of durable material with any words describing the physical activity prohibited, such as "No Hunting or Trespassing", printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such land. Such signs shall be posted not more than 100 yards apart on all sides and shall also be posted at gates, bars and commonly used entrances. This section shall not prevent any owner from adding to the language required by this section.

635:5 Penalty. – Any person who is found removing, defacing or destroying any sign, poster or property of another shall be guilty of a class B misdemeanor.

CHAPTER 637 THEFT

Section 637:9

637:9 Unauthorized Use of Propelled Vehicle or Rented Property. –

I. A person is guilty of theft if:

(a) Having custody of a propelled vehicle pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of such vehicle, he intentionally uses or operates the same, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose; or

(b) Having custody of a propelled vehicle pursuant to a rental or lease agreement with the owner thereof whereby such vehicle is to be returned to the owner at a specified time and place, he abandons the vehicle or willfully refuses or neglects to redeliver it to the owner in such manner as he may have agreed; or

(c) Having custody of any property pursuant to a rental or lease agreement whereby such property is to be returned in a specified manner, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.

II. [Repealed.]

III. As used in this section, "propelled vehicle" means any automobile, airplane, motorcycle, motorboat or any other motor-propelled vehicle or vessel, or any boat or vessel propelled by sail, oar or paddle.

CHAPTER 638 FRAUD

Forgery and Fraudulent Practices Generally

Section 638:8

638:8 Sports Bribery. –

I. A person is guilty of sports bribery if:

(a) With a purpose to influence any participant or prospective participant not to give his best efforts in a publicly exhibited contest, he confers or offers or agrees to confer any benefit upon or threatens any injury to such participant or prospective participant; or

(b) With a purpose to influence an official in a publicly exhibited contest to perform his duties improperly, he confers or offers or agrees to confer any benefit upon or threatens any

injury to such official; or

(c) With a purpose to influence the outcome of a publicly exhibited contest, he tampers with any person, animal or thing contrary to the rules and usages purporting to govern such a contest; or

(d) He knowingly solicits, accepts or agrees to accept any benefit, the giving of which would be criminal under subparagraph I(a) or (b).

II. (a) Sports bribery is:

(1) A class A felony if the benefit referred to in subparagraphs I(a), (b) or (d), or the value of the benefit gained or to be gained from influencing the outcome of a contest as referred to in subparagraph I(c), exceeds \$1,500 or if the injury threatened in subparagraphs I(a) or (b) is a serious bodily injury;

(2) A class B felony in all other cases.

(b) The value shall be determined according to the provisions of RSA 637:2, V.

Section 644:8

644:8 Cruelty to Animals. –

I. In this section, "cruelty" shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety or welfare of any animal, including the abandoning of any animal without proper provision for its care, sustenance, protection or shelter.

II. In this section, "animal" means a domestic animal, a household pet or a wild animal in captivity.

II-a. In this section, "shelter" or "necessary shelter" for dogs shall mean any natural or artificial area which provides protection from the direct sunlight and adequate air circulation when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from the weather shall allow the dog to remain clean and dry. Shelter shall be structurally sound and have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.

III. A person is guilty of a misdemeanor for a first offense, and of a class B felony for a second or subsequent offense, who:

(a) Without lawful authority negligently deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance or shelter;

(b) Negligently beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;

(c) Negligently overdrives, overworks, drives when overloaded, or otherwise abuses or misuses any animal intended for or used for labor;

(d) Negligently transports any animal in his possession or custody in a manner injurious to the health, safety or physical well-being of such animal;

(e) Negligently abandons any animal previously in his possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance or shelter;
or

(f) Otherwise negligently permits or causes any animal in his possession or custody to be subjected to cruelty, inhumane treatment or unnecessary suffering of any kind.

III-a. A person is guilty of a class B felony who purposely beats, cruelly whips, tortures, or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured, or mutilated.

IV. (a) In addition to being guilty of crimes as provided in paragraphs III and III-a, any person charged with cruelty to animals may have his or her animal confiscated by the arresting officer and, upon said person's conviction of cruelty to animals, the court may dispose of said animal in any manner it decides. Courts shall give cases in which animals have been confiscated by an arresting officer priority on the court calendar. The costs, if any, incurred in boarding and treating the animal, pending disposition of the case, and in disposing of the animal, upon a conviction of said person for cruelty to animals, shall be borne by the person so convicted. In addition, the court may prohibit any person convicted of animal cruelty from having future ownership or custody of other animals for any period of time the court deems reasonable or impose any other reasonable restrictions on the person's future ownership or custody of animals as necessary for the protection of the animals.

(b) If a person convicted of cruelty to animals appeals the conviction and any confiscated animal remains in the custody of the arresting officer or the officer's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial court may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal shall be paid to the custodian from the posted security and the balance, if any, returned to the person who posted it.

IV-a. (a) Except as provided in subparagraphs (b) and (c) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been or is being abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week's extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of the officer's department or society. The department or society may dispose of the animal in any lawful and humane manner as if it were the rightful owner. If after 14 days the officer or the officer's department determines that

charges should be filed under this section, the officer shall petition the court.

(b) For purposes of subparagraph (a) the investigating officer for livestock, as defined in RSA 427:38, III, shall be accompanied by a veterinarian licensed under RSA 332-B or the state veterinarian who shall set the probable cause criteria for taking the animal or animals.

(c)(1) For purposes of subparagraph (a), for facilities licensed to conduct live running or harness horseracing or live dog racing pursuant to RSA 284, the appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society shall:

(A) Notify the director of the pari-mutuel commission of the circumstances arising under subparagraph (a);

(B) Enter the grounds of the facility with the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission;

(C) Take such horses or dogs into temporary protective custody as determined by the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission; and

(D) Comply with subparagraph (a) after taking a horse or dog from a facility licensed pursuant to RSA 284 into temporary protective custody.

(2) This paragraph shall not preempt existing or enforcement authority of the pari-mutuel commission, pursuant to RSA 284 or rules and regulations adopted pursuant to such authority.

V. A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered under the provisions of this section or RSA 435:11-16. Such a veterinarian is, therefore, under this paragraph, protected from a lawsuit for his part in an investigation of cruelty to animals.

644:8-a Exhibitions of Fighting Animals. –

I. No person shall keep, breed, or train any bird, dog, or other animal, with the intent that it or its offspring shall be engaged or used in an exhibition of fighting, or shall establish or promote an exhibition of the fighting thereof. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. Any person present at any place or building when preparations are being made for an exhibition of such fighting with intent to be present at such exhibition, or present at, aiding in or contributing to, such an exhibition, shall be guilty of a class B felony.

III. All animals so kept, bred, or trained by a person charged with violating the provisions of paragraph I may be seized by the arresting officer, pursuant to RSA 595-A:6 and RSA 644:8. Upon said person's conviction, said animals may, at the discretion of the court, be destroyed in a humane manner by a licensed veterinarian. The costs, if any, incurred in boarding the animals, pending disposition of the case, and in disposing of the animals, upon a conviction of said person for violating paragraph I, shall be borne by the person so convicted.

IV. Upon conviction of a violation of this section, all animals used or to be used in training, fighting, or baiting, and all equipment, paraphernalia, and money involved in a violation of this section may be forfeited to the state at the discretion of the court, pursuant to RSA 595-A:6. Proceeds of any such forfeiture shall be used to reimburse local government and state agencies

for the costs of prosecution of animal fighting cases. Proceeds which are not needed for such reimbursement shall be deposited in the companion animal neutering fund, established in RSA 437-A:4-a.

V. In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is convicted of a violation of this section from owning or possessing any animals within the species that is the subject of the conviction, or any animals kept for the purpose of training, fighting, or baiting, for a period of time determined by the court.

644:8-aa Animals in Motor Vehicle. –

I. It shall be cruelty to confine an animal in a motor vehicle or other enclosed space in which the temperature is either so high or so low as to cause serious harm to the animal. "Animal" means a domestic animal, household pet, or wild animal held in captivity.

II. Any person in violation of this section shall be guilty of a misdemeanor as set forth in RSA 644:8.

III. Any law enforcement officer or agent of a licensed humane organization may take action necessary to rescue a confined animal endangered by extreme temperatures, and to remove the threat of further serious harm.

IV. No officer or agent taking action under paragraph III shall be liable for damage reasonably necessary to rescue the confined animal.

644:8-b Docking Tail of Horse. – If any person shall cut the bone of the tail of a horse for the purpose of docking the tail, or shall cause or knowingly permit the same to be done upon the premises of which he is in control, or shall assist in or be present at such cutting, he shall be guilty of a misdemeanor. Written permission from the state veterinarian shall be obtained by a licensed veterinarian to perform surgical operations pursuant to this section. The state veterinarian shall promulgate rules relative to granting authorization for such operation.

644:8-c Animal Use in Science Classes and Science Fairs. –

I. In this section:

(a) "Animal" means any member of the kingdom of Animalia.

(b) "Vertebrate animal" means any animal belonging to the subphylum Vertebrata of the phylum Chordata, and specifically includes all mammals, fishes, birds, reptiles and amphibians.

II. Live vertebrate animals shall not be used in experiments or observational studies, with the following exceptions:

(a) Observational studies may be made of the normal living patterns of wild animals, in the free living state or in zoological parks, gardens, or aquaria.

(b) Observational studies may be made of the living patterns of vertebrate animals in the classroom.

(c) Observational studies on bird egg embryos are permitted. However, if normal bird embryos are to be allowed to hatch, satisfactory humane consideration shall be made for disposal of the baby birds.

(d) Vertebrate animal cells such as red blood cells or other tissue cells, plasma or serum, or

anatomical specimens, such as organs, tissues, or skeletons, may be used in experiments or observational studies.

III. No school principal, administrator or teacher shall allow any live vertebrate animal to be used in any elementary or secondary school, or in any activity associated with such school, such as science fairs, as part of a scientific experiment or procedure in which the health of the animal is interfered with, or in which pain, suffering, or distress is caused. Such experiments and procedures include, but are not limited to, surgery, anesthetization, and the inducement by any means of painful, lethal, or pathological conditions through techniques that include, but are not limited to:

(a) Administration of drugs;

(b) Exposure to pathogens, ionizing radiation, carcinogens, or to toxic or hazardous substances;

(c) Deprivation; or

(d) Electric shock or other distressing stimuli.

IV. All experiments on live vertebrate animals which are not prohibited by this section shall be carried out under the supervision of a competent science teacher who shall be responsible for ensuring that the student has the necessary comprehension for the study to be undertaken.

V. No person shall, in the presence of a pupil in any elementary or secondary school, perform any of the procedures or experiments described in paragraph III or exhibit any vertebrate animal that has been used in such manner. Dissection of any dead animal, or portions thereof, shall be confined to the presence of students engaged in the study to be promoted by the dissections.

VI. Science fair projects originating in other states that do not conform with the provisions of this section shall not be exhibited within the state.

VII. Any live animal kept in any elementary or secondary school shall be housed and cared for in a humane and safe manner and shall be the personal responsibility of the teacher or other adult supervisor of the project or study.

VIII. Ordinary agricultural procedures taught in animal husbandry courses shall not be prohibited by this section.

IX. Any person who violates this section is guilty of a misdemeanor.

644:8-d Maiming or Causing the Death of or Willful Interference With Police Dogs or Horses. –

I. Whoever willfully tortures, beats, kicks, strikes, mutilates, injures, disables, or otherwise mistreats, or whoever willfully causes the death of a dog or horse owned or employed by or on behalf of a law enforcement agency and whoever knows that such dog or horse is owned or employed by or on behalf of a law enforcement agency shall be guilty of a class B felony.

II. Whoever willfully interferes or attempts to interfere with the lawful performance of a dog or horse owned or employed by or on behalf of a law enforcement agency and whoever knows that such dog or horse is owned or employed by or on behalf of a law enforcement agency shall be guilty of a misdemeanor.

644:8-e Willful Interference With Organizations or Projects Involving Animals or With Animal Facilities. –

I. Whoever willfully causes bodily injury or willfully interferes with any property, including animals or records, used by any organization or project involving animals, or with any animal facility shall be guilty of a class A misdemeanor.

II. Whoever in the course of a violation of paragraph I causes serious bodily injury to another individual or economic loss in excess of \$10,000 shall be guilty of a class B felony, and may be subject to an order of restitution pursuant to RSA 651:63.

III. For the purposes of this section:

(a) "An organization or project involving animals" means:

(1) A commercial or academic enterprise that uses animals for food or fiber production, agriculture, research, education, or testing.

(2) Any lawful competitive animal event, including but not limited to conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities.

(3) Any fair or similar event intended to advance the agricultural arts and sciences.

(b) "Animal facilities" means any vehicle, building, structure, research facility, or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.

(c) "Economic loss" means "economic loss" as defined in RSA 651:62, III.

IV. Nothing in this section shall be construed to restrict any constitutional, statutory, regulatory or common law right.

644:8-f Transporting Dogs in Pickup Trucks. –

I. No person driving a pickup truck shall transport any dog in the back of the vehicle on a public way, unless the space is enclosed or has side and tail racks to a height of at least 46 inches extending vertically from the floor, the dog is cross tethered to the vehicle, the dog is protected by a secured container or cage, or the dog is otherwise protected, in a manner which will prevent the dog from being thrown or from falling or jumping from the vehicle.

II. Notwithstanding paragraph I, this section shall not apply to the following:

(a) A dog being used by a farmer or farm employee while actually engaged in farming activities requiring the services of a dog; or

(b) A hunting dog being used at a hunting site or between hunting sites by a licensed hunter who is in possession of all applicable licenses and permits for the species being pursued during the legal season for such activity.

III. Any person who violates this section shall be guilty of a violation.

644:8-g Bestiality. –

I. A person commits bestiality by knowingly committing any of the following acts:

(a) Engaging in sexual contact or sexual penetration with an animal for the purpose of sexual arousal or gratification.

(b) Offering or accepting the offer of an animal for consideration with the intent that it be subject to sexual contact or sexual penetration by a human.

(c) Photographing or filming or distributing such photographs or films, for the purpose of

sexual arousal or gratification, of a person engaged in sexual contact or sexual penetration with an animal.

II. Any person convicted of a violation of this section shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.

III. In addition to any other penalty imposed for a violation of this section, the court shall order that the convicted person:

(a) Submit to a psychological assessment and participate in appropriate counseling at the convicted person's own expense.

(b) Reimburse an animal shelter for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by this section.

(c) Shall not own, harbor, exercise control over, or reside in the same household with any animal for a period of time deemed reasonable by the court.

IV. This section shall not apply to:

(a) Accepted veterinary medical practices.

(b) Insemination of animals for the purpose of procreation.

(c) Accepted animal husbandry practices that provide care for animals.

V. In this section:

(a) "Animal" means a nonhuman mammal, bird, reptile, or amphibian, either dead or alive.

(b) "Sexual contact" means any act between a person or an animal involving direct physical contact between the genitals or anus of one and the mouth, anus, or other part of the body of the other, or direct physical contact between the genitals of one and the genitals of the other, where such contact can be reasonably construed for the purpose of the person's sexual arousal or gratification.

(c) "Sexual penetration" means any intrusion, however, slight, of any part of the person's or animal's body into the body of the other, or any object manipulated by the person into the body of the animal, where such penetration can be reasonably construed for the purpose of sexual arousal or gratification.

644:16 Exposing Poisons. – If any person shall in any way or place purposely expose an active poison or deadly substance for the destruction of any animal, or for any other purpose except the destruction of rats or other vermin in his own building or upon his crops, he shall be guilty of a violation.

IN MEMEORY



Animal Control Officer Claire Kontos

Sandown Police Department

1961-2017