

# TITLE XL AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY

## CHAPTER 437-A ANIMAL POPULATION CONTROL

### Section 437-A:1

**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 make an annual 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.

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

I. A resident of the state who has adopted a dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the 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 operation, and such person pays a fee of \$30. The sterilization shall be performed by a participating veterinarian.

II. 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 \$15:

(a) 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.

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

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

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

(e) The medicaid program established under RSA 167.

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

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

**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.

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, II, 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 against rabies, distemper, hepatitis, leptospirosis, and parvovirus, or an examination fee and the presurgical immunization of cats against rabies, feline panleukopenia, calici, pneumonitis and rhinotracheitis, as the case may be. 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, II for examination fees or the presurgical immunization. Owners of animals sterilized under RSA 437-A:3, I who have adopted such animals from shelters shall pay the cost of all presurgical immunizations and examination fees directly to the participating veterinarian.

**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, II.

II-a. Administration of the fund established under RSA 437-A:4-a.

III. Any other matter necessary for the administration of this chapter.

**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.

**437-A:7 Committee Established; Membership.** –

I. There is hereby established a committee to study pet overpopulation in New Hampshire and its relationship to the spread of rabies and threat to the public health. The committee membership shall be as follows:

- (a) Two members of the house of representatives, appointed by the speaker of the house.
- (b) Two members of the senate, or their designees, appointed by the president of the senate.
- (c) The commissioner of agriculture, markets, and food, or designee.
- (d) The commissioner of health and human services, or designee.
- (e) The executive director of the fish and game department, or designee.
- (f) A representative of the New Hampshire Veterinary Medical Association, appointed by such organization.
- (g) A representative of the New Hampshire Federation of Humane Organizations, appointed by such organization.
- (h) A representative of the New Hampshire Municipal Association, appointed by such organization.
- (i) A representative of the City and Town Clerks Association, appointed by such organization.
- (j) A representative of dog breeders, appointed by the governor.
- (k) A public member, appointed by the governor.
- (l) A representative of cat breeders, appointed by the governor.

II. The term of office for the members appointed pursuant to subparagraphs I(f)–(l) shall be 3 years; provided that the initial terms shall be as follows: the members in subparagraphs I(f) and I(h) shall serve for 3 years, the members in subparagraphs I(g), I(j), and I(k) shall serve for 2 years, and the members in subparagraphs I(i) and I(l) shall serve for one year. The members in subparagraphs I(a)–(e) shall serve terms which are coterminous with their terms in office.

III. The members shall elect annually from among their number a chairperson. A member shall hold office until a successor has been appointed and qualified. The members shall serve without compensation; provided that the legislative members shall receive mileage at the legislative rate.

**437-A:8 Duties.** – The primary duties of the committee shall be to study the economic, human, and public health impacts of cat and dog overpopulation in the state and the lack of compliance with dog licensing and rabies vaccination statutes. The committee shall make recommendations to reduce the number of stray and homeless cats and dogs in the state, to reduce the number of healthy cats and dogs killed in animal shelters, and to increase compliance with dog licensing and rabies vaccination statutes.

**437-A:9 Report.** – The committee shall submit an annual report of its findings and recommendations, including any proposed legislation, to the speaker of the house, the house environment and agriculture committee, the president of the senate, and the governor beginning on or before November 1, 1998.