

TITLE XL

AGRICULTURE, HORTICULTURE AND ANIMAL HUSBANDRY

CHAPTER 436

DISEASES OF DOMESTIC ANIMALS

Section 436:1

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.

Source. 1985, 72:1, eff. July 1, 1985.

Division of Animal Industry

Section 436:2

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.

Source. 1985, 72:1. 1995, 130:5. 1999, 116:1, eff. Aug. 9, 1999.

Section 436:3

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:4

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.

Source. 1985, 72:1, eff. July 1, 1985. 2015, 259:21, eff. July 1, 2015.

Section 436:5

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:6

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:6-a

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.

Source. 2007, 277:1, eff. Sept. 1, 2007.

State Veterinarian

Section 436:7

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.

Source. 1985, 72:1. 1995, 130:5. 1999, 116:2, eff. Aug. 9, 1999.

Section 436:8

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.

Source. 1985, 72:1. 1987, 116:1, eff. Jan. 1, 1988. 2009, 123:1, eff. Aug. 21, 2009. 2012, 240:1, eff. June 18, 2012.

Section 436:9

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.

Source. 1985, 72:1, eff. July 1, 1985.

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.

Source. 2015, 276:110, eff. July 1, 2015.

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.

Source. 2015, 276:110, eff. July 1, 2015.

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.

Source. 2015, 276:110, eff. July 1, 2015.

Importation of Bovines

Section 436:10

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.

Source. 1985, 72:1. 1995, 130:5, eff. July 23, 1995.

Section 436:11

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:12

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:13

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:14

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:15

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:16

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:17

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.

Source. 1985, 72:1. 1995, 310:181, eff. Nov. 1, 1995.

Section 436:18

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:19

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:20

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.

Source. 1985, 72:1, eff. July, 1, 1985.

Importation of Tested Bovines

Section 436:21

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:22

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:23

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.

Source. 1985, 72:1, eff. July 1, 1985.

Importation of Other Domestic Animals

Section 436:24

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:25

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:26

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.

Source. 1985, 72:1, eff. July 1, 1985.

Permits to Those on State Line or Shipping Interstate

Section 436:27

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:28

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:29

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.

Source. 1985, 72:1. 1989, 13:1, eff. April 4, 1989.

Section 436:30

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

Source. 1985, 72:1, eff. July 1, 1985.

Investigations and Reports

Section 436:31

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.

Source. 1985, 72:1. 2001, 242:2, eff. Sept. 11, 2001.

Section 436:32

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:33

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.

Source. 1985, 72:1, eff. July 1, 1985.

Quarantine

Section 436:34

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.

Source. 1985, 72:1. 1997, 43:1, eff. May 12, 1997.

Section 436:35

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.

Source. 1985, 72:1. 1997, 43:2, eff. May 12, 1997.

Section 436:36

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:37

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:38

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.

Source. 1985, 72:1. 1989, 13:2, eff. April 4, 1989.

Section 436:39

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.

Source. 1985, 72:1, eff. July 1, 1985.

Disposal of Diseased Animals

Section 436:40

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:41

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.

Source. 1985, 72:1, eff. July 1, 1985.

Tests on Application of Owner; Vaccination

Section 436:42

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:43

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:44

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:45

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:46

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:47

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.

Source. 1985, 72:1. 1994, 68:1, eff. July 5, 1994.

Section 436:48

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 calthood 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.

Source. 1985, 72:1. 1995, 130:4, 5, eff. July 23, 1995.

Section 436:49

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.

Source. 1985, 72:1, eff. July 1, 1985.

Private Tests

Section 436:50

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:51

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:52

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:53

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

Source. 1985, 72:1, eff. July 1, 1985.

Examination of Carcasses

Section 436:54

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.

Source. 1985, 72:1, eff. July 1, 1985.

Appraisal and Indemnity

Section 436:55

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:56

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:57

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:58

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:59

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:60

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:61

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.

Source. 1985, 72:1, eff. July 1, 1985.

Retention for Breeding Purposes

Section 436:62

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.

Source. 1985, 72:1. 1995, 310:181, eff. Nov. 1, 1995.

Section 436:63

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

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:64

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:65

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:66

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:67

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.

Source. 1985, 72:1. 1995, 310:181, eff. Nov. 1, 1995.

Section 436:68

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.

Source. 1985, 72:1; 190:18. 1995, 310:182, eff. Nov. 1, 1995.

Marks and Records for Tested Animals

Section 436:69

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:70

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:71

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

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:72

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:73

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.

Source. 1985, 72:1. 1989, 13:3, eff. April 4, 1989.

Sale of Diseased Animals

Section 436:74

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.

Source. 1985, 72:1. 1989, 13:4, eff. April 4, 1989.

Section 436:75

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:76

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.

Source. 1985, 72:1, eff. July 1, 1985.

Report of Animals Killed

Section 436:77

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:78

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:79

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.

Source. 1985, 72:1, eff. July 1, 1985.

Sale of Vaccines

Section 436:80

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:81

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

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:82

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.

Source. 1985, 72:1, eff. July 1, 1985.

Penalties

Section 436:83

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.

Source. 1985, 72:1, eff. July 1, 1985.

Section 436:84

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.

Source. 1985, 72:1. 1989, 13:5, eff. April 4, 1989.

Section 436:85

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.

Source. 1985, 72:1, eff. July 1, 1985.

Livestock Events

Section 436:86

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.

Source. 1985, 72:1. 1987, 187:2. 1988, 80:1, eff. July 1, 1988.

Section 436:87

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.

Source. 1985, 72:1. 1987, 187:2. 1988, 80:2. 1995, 130:5, eff. July 23, 1995.

Section 436:88

436:88 Hearing, Finding, Order. – [Repealed 1987, 187:4, I, eff. July 11, 1987.]

Section 436:88-a

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.

Source. 1987, 187:3. 1988, 80:3. 1995, 130:5, eff. July 23, 1995.

Section 436:89

436:89 Pending Decision. – [Repealed 1987, 187:4, II, eff. July 11, 1987.]

Section 436:90

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.

Source. 1985, 72:1. 1988, 80:4. 1995, 130:5, eff. July 23, 1995. 2012, 171:20, eff. Aug. 10, 2012.

Section 436:91

436:91 Appeal. – [Repealed 1987, 187:4, III, eff. July 11, 1987.]

Veterinary Diagnostic Laboratory

Section 436:92

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.

Source. 1985, 72:1. 1995, 130:5, eff. July 23, 1995.

Section 436:92-a

436:92-a Commission to Study Permanent Options for Funding the Veterinary Diagnostic Laboratory. – [Repealed 2013, 99:2, eff. Nov. 1, 2013.]

Equine Infectious Anemia

Section 436:93

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.

Source. 1985, 72:1. 1989, 12:1. 1995, 130:4, 7, eff. July 23, 1995.

Section 436:94

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.

Source. 1985, 72:1. 1989, 12:2, eff. April 4, 1989.

Section 436:95

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.

Source. 1985, 72:1. 1989, 12:3, eff. April 4, 1989.

Section 436:96

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.

Source. 1985, 72:1. 1989, 12:4, eff. April 4, 1989.

Section 436:97

436:97 Fees. – [Repealed 1986, 21:1, eff. June 17, 1986.]

Section 436:98

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.

Source. 1985, 72:1. 1989, 12:5, eff. April 4, 1989.

Rabies Control

Section 436:99

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.

Source. 1985, 72:1. 1992, 250:1, 2. 1993, 275:1. 1995, 130:5; 202:1 to 3, eff. June 12, 1995.

Section 436:100

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.

Source. 1985, 72:1. 1992, 250:3. 1995, 202:4, eff. June 12, 1995. 2007, 79:1, eff. Jan. 1, 2008. 2009, 296:12, eff. Sept. 29, 2009.

Section 436:101

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.

Source. 1985, 72:1. 1992, 250:4. 1995, 202:5, eff. June 12, 1995.

Section 436:102

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.

Source. 1985, 72:1. 1990, 17:1. 1992, 250:5. 1994, 353:1. 1995, 202:6, eff. June 12, 1995. 2006, 11:4, eff. Mar. 3, 2006.

Section 436:103

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

Source. 1985, 72:1. 1992, 250:6. 1995, 202:7, eff. June 12, 1995.

Section 436:104

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.

Source. 1985, 72:1. 1990, 17:2. 1992, 250:7. 1995, 202:8, eff. June 12, 1995.

Section 436:105

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.

Source. 1985, 72:1. 1992, 250:8. 1993, 275:2. 1995, 310:181. 1996, 256:1, eff. June 10, 1996.

Section 436:105-a

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.

Source. 1993, 275:3. 1995, 310:181, eff. Nov. 1, 1995.

Section 436:105-b

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.

Source. 1995, 202:9; 310:181. 1998, 368:1, eff. Aug. 25, 1998.

Section 436:105-c

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.

Source. 1996, 256:2, eff. June 10, 1996.

Section 436:106

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.

Source. 1985, 72:1. 1990, 17:3. 1992, 250:9. 1993, 275:4. 1995, 202:10; 310:181, eff. Nov. 1, 1995.

Section 436:107

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.

Source. 1985, 72:1. 1990, 17:4. 1992, 250:10. 1995, 202:11, eff. June 12, 1995.

Section 436:108

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.

Source. 1985, 72:1. 1992, 250:11. 1995, 202:12, eff. June 12, 1995.

Section 436:109

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

Source. 1985, 72:1. 1992, 250:12, eff. Jan. 1, 1993.

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

Section 436:110

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.

Source. 1993, 180:1. 1995, 130:4, eff. July 23, 1995.

Section 436:111

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.

Source. 1993, 180:1. 1995, 130:4, eff. July 23, 1995.

Section 436:112

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.

Source. 1993, 180:1, eff. Jan. 1, 1994.

Section 436:113

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.

Source. 1993, 180:1, eff. Jan. 1, 1994. 2012, 171:21, eff. Aug. 10, 2012.

Section 436:114

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.

Source. 1993, 180:1, eff. Jan. 1, 1994.

Testing of Domestic Animals

Section 436:115

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.
- (c) [Repealed.]

Source. 1998, 8:1. 1999, 245:1, eff. July 1, 1999. 2012, 171:26, XX, eff. Aug. 10, 2012.

Voluntary Scrapie Flock Certification Program

Section 436:116

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.

Source. 2001, 242:1, eff. Sept. 11, 2001.

Section 436:117

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.]

Source. 2001, 242:1, eff. Sept. 11, 2001. 2006, 26:1, 2, 5, eff. May 30, 2006.

Section 436:118

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.

Source. 2001, 242:1, eff. Sept. 11, 2001. 2006, 26:3, eff. May 30, 2006.

Section 436:119

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.

Source. 2001, 242:1, eff. Sept. 11, 2001.

Section 436:120

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.

Source. 2001, 242:1, eff. Sept. 11, 2001. 2006, 26:4, eff. May 30, 2006.

Section 436:121

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.

Source. 2001, 242:1, eff. Sept. 11, 2001.

Section 436:122

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.

Source. 2001, 242:1, eff. Sept. 11, 2001.

Section 436:123

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.

Source. 2001, 242:1, eff. Sept. 11, 2001.