

2017 HOUSE AGRICULTURE

HB 1267

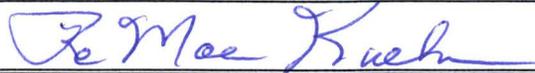
2017 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

HB 1267
1/26/2017
Job #27447

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the humane treatment of former research animals

Minutes:

Attachments 1-4

Representative Dobervich, Sponsor: (Attachment 1)

Last year there were 301 dogs and 305 cats that were used for educational purposes. Five years ago the number was 34 dogs and 152 cats.

Higher education institutions would retain complete control of which cats and dogs can be adopted out.

(3:50)

Representative Magrum: Would this add to the burden of finding a home?

Representative Dobervich: The university doesn't have to find a home. They can choose which animals they offer out to shelters. Shelters don't need to take them.

Representative Boschee: Did the university explain the increase over five years?

Representative Dobervich: I can find out.

Representative Oliver: Do we need this? If it is in best practice for one institution, why make it law?

Representative Dobervich: That is your decision. We have a best practice that is going on. We should recognize that and put it into statute. This would provide a framework for a way to retire animals.

Representative Oliver: Higher ed. has control of that institution using best practices so don't you think the rest will get information from higher ed.?

Representative Dobervich: I would like to believe that. This is a constituent initiated bill. We want to set the standard.

Representative Schreiber-Beck: Is there a written policy at NDSU? Or is there a policy with the university system?

Representative Dobervich: I did not find a policy.

Representative Schreiber-Beck: This specifies cats and dogs. What about cattle, horses, etc.?

Representative Dobervich: The request was for cats and dogs. This is a pet-focused bill.

Representative Magrum: If we pass this, would NDSU have to find a home for them and create a burden for the universities and put them in the pet business.

Representative Dobervich: It is not our intent to turn the universities into a pet store.

Representative Skroch: If one year the university has 30-60 animals for research, the next year 300. Is that based on availability? Where do the animals come from originally?

Representative Dobervich: NDSU contacts local shelters. There are breeders for research. There is a variety of places that they come from.

Representative Skroch: Everything is in place for the system to work appropriately. What is the necessity of adding a new section to the Century Code?

Representative Dobervich: There is one university that is doing research and they are using best practice. The point of putting it into statute would be so there is a structure in place for others.

Representative McWilliams: What kind of research is being done on these animals and is it always safe for the animals to become someone's pet?

Representative Dobervich: NDSU uses the animals for veterinary training. No biomedical research is being done. It is up to the university to determine if the cats and dogs are healthy enough to be adopted. Shelters can refuse to take them.

Representative Headland: Once we get this into statute it will move into other areas.

Representative Dobervich: I disagree. This is for cats and dogs.

Representative Headland: Why did you look to the Humane Society of the United States for your answer?

Representative Dobervich: Because they have lots of statistical data. Information was sourced from a variety of resources.

(16:16)

TJ Jerke, North Dakota State Director, The Humane Society of the United States:
(Attachment 2)

Representative Hogan: If one of your objectives is to reduce the number of animals used in research programs, are you concerned about the increase in the use of cats and dogs at NDSU from the numbers of five years ago?

TJ Jerke: It is something I am interested in learning more about. We'll try to get an answer.

Representative Schreiber-Beck: Are the other research facilities across the United States legislated to have adoption programs?

TJ Jerke: Yes, there are other states that have a similar policy. I don't have the specific states.

Vice Chair Trottier: What percentage of the HSUS budget goes into pet shelters?

TJ Jerke: We are not a funding source but do policy work. We do have grants available. We have administered over \$5,000 to get animal shelter and rescue professionals in the state to go to different conferences around the country.

Vice Chair Trottier: Since HSUS is a nonprofit, can you give us where their money goes?

TJ Jerke: I would be happy to give you our annual report.

Chairman Dennis Johnson: Agriculture is what we do in North Dakota. Best practices have been around long before many of us. Agriculture is how we make a living. We are a little concerned with a lobbying group out of Washington wanting best practices put into statute. Other universities would follow the best practices that we have in place.

TJ Jerke: We hope so as well. We hope to separate dogs and cats from production agriculture.

Chairman Dennis Johnson: Some your leadership has said that their ultimate goal is to put us out of animal production agriculture.

TJ Jerke: In North Dakota agriculture is the #1 industry. There are many issues related to cats and dogs in this state that we are focused on. What my leadership may have said pertains to other states. We are looking at North Dakota.

Representative Headland: You are a nationwide organization. We see how this gets into code in other states and then it moves into animal agriculture. How is your mission different?

TJ Jerke: I don't know of any legislation that has been passed that moved on to animal agriculture.

Opposition:

(26:20)

Pete Hannebutt, North Dakota Farm Bureau: We think this bill is bad public policy. We don't think it is necessary to force our universities into this model.

I was a lobbyist in Indiana for a number of years. That is where it started with animal care issues for companion animals. It was the foot in the door that allowed HSUS and other groups to influence animal agriculture. How soon is it before we start telling private institutions that they also have to follow these practices.

(27:50)

Julie Ellingson, North Dakota Stockmen's Association: (Attachment 3)

Representative McWilliams: Is it correct that sick animals from a shelter are brought to a university veterinary study to receive treatment that otherwise they would not have? Then they can be adopted out?

Julie Ellingson: They are using animals from shelters and are able to train students in the areas of vet medicine to provide the cares. Both the students and the shelters are in a win-win situation.

Representative McWilliams: It sounds like more animals are saved through this program than are euthanized.

Julie Ellingson: That is the message I got back.

Representative Skroch: My daughter is a vet in Fargo and has been involved in animal abuse investigations. There are animals that are brought in and treated by students and go back in better condition than what they came. The best interests of the animals are kept in mind.

Julie Ellingson: We think highly of the research institutions in the state. They are an important asset to the beef industry in servicing our members.

(34:00)

Deana Wiese, North Dakota Veterinary Medical Association: (Attachment 4)

Representative Satrom: Do we need to use animals?

Deana Wiese: I can't comment on that not being affiliated with a research institution. They would be best at determining the method for teaching their students.

Chairman Dennis Johnson: Closed the hearing.

Representative Boschee: Moved Do Not Pass.

Representative Howe: Seconded the motion.

Representative Boschee: It is an admiral idea but it sounds like there is a best practice. This is not necessary.

A Roll Call vote was taken: Yes 12, No 1, Absent 1.

Do Not Pass carries.

Representative Boschee will carry the bill.

Date: 1/26/2017

Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1267**

House **Agriculture** Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions:** Reconsider _____

Motion Made By Rep. Boschee Seconded By Rep. Howe

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman Wayne Trottier	X		Rep. Kathy Hogan		X
Rep. Jake Blum	X				
Rep. Craig Headland	AB				
Rep. Michael Howe	X				
Rep. Dwight Kiefert	X				
Rep. Jeffery Magrum	X				
Rep. Aaron McWilliams	X				
Rep. Bill Oliver	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	X				

Total **Yes** 12 **No** 1

Absent 1

Floor Assignment Rep. Boschee

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1267: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1267 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1267

#1
HB 1267
1/26/17
Rep. Dobervich

Good morning Chairman Johnson and Members of the House Agriculture Committee. My name is Representative Gretchen Dobervich. I represent District 11 in Fargo. I come before you this morning with a constituent requested bill. House Bill 1267 seeks to put into place direction for best practice related to research animals after the contributions they have made to science and education.

This bill was not initiated by PETA or another animal rights activist group. It is merely a bill aimed at providing forever homes to cats and dogs who have served to improve quality of life through biomedical research and/or training for future professionals.

House Bill 1267 requires colleges and universities in North Dakota who utilize cats and dogs for research and education purposes to offer them to animal rescue organizations or private adoption. If no rescue organization is able to accept the animals, the university would proceed to euthanize or follow other university policy related to retired research and education animals.

The emotional and social benefits of having a pet are well documented. It is not uncommon to see people with various medical conditions helped by the companionship of a pet. For animal lovers, pets are part of our family. House Bill 1267 extends the contributions of cats and dogs to humans.

Currently, North Dakota State University is the only higher education institution utilizing cats and dogs. The animals are key to the education of future professionals. It is my understanding that they currently reach out to animal rescue organizations for cats and dogs. Once the animals have completed their work at the university they are offered to animal rescue

/

organizations for adoptions. I was unable to obtain statistics as to numbers of animals made available for education and for adoption.

While the only higher education institution in our state is already practicing the process identified in House Bill 1267, the bill would recognize their best practice and put it into statute for others to follow suit.

This concludes my testimony and I stand for questions from the committee.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

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Testimony in Support of **H.B. 1267**
Presented to the House Agriculture Committee
January 26, 2017
TJ Jerke, North Dakota State Director
The Humane Society of the United States

On behalf of The Humane Society of the United States and our supporters in North Dakota, thank you for this opportunity to submit testimony **in support of H.B. 1267**, which would require research institutions to take “reasonable steps to provide for the adoption” of dogs and cats no longer needed for scientific purposes.

The Humane Society of the United States strongly supports both animal protection and public health. We have active programs to promote what are known as the three R’s: to **reduce** the number of animals used for research purposes; **refine** research so it causes less suffering; and ultimately **replace** animals with non-animal methods that are faster, less expensive and more relevant to human health than animal studies.ⁱ

HB 1267 simply provides an opportunity for dogs and cats to live a life in a home as an adopted pet once their time in the laboratory has come to an end—something that each and every dog and cat deserves. A number of people who have adopted former research dogs and cats can attest to the resilience and affection of these animals once they are given the chance to flourish in a home environment. The Research Animal Adoption Bill ensures such an opportunity for any dogs and cats used for research conducted in North Dakota into the future. Importantly, the legislation does nothing to change the way research is conducted in the state.

There are a number of research facilities across the United States that have instituted successful adoption programs for dogs, cats and other animals. Importantly, HB1267 ensures that the authority as to when a dog or cat is determined no longer needed for scientific research still rests with the research institutions themselves. Additionally, the rescue organizations, that have the experience placing animals in suitable home, can choose whether to accept the animals offered by the laboratories; they will not be forced to do so.

Adoption programs, in addition to benefiting the animals, can decrease stress and improve morale among laboratory workersⁱⁱ. HB 1267 is a win-win solution for dogs and cats in North Dakota laboratories and the workers who form bonds with these animals.

The Humane Society of the United States requests a favorable report on HB 1267.

ⁱ See HSUS statement on animals in biomedical research, testing and education
http://www.humanesociety.org/about/policy_statements/statement_animal_research.html#Uwth76Mo69I

ⁱⁱ Osborne, L. (1996/1997, Winter) Adoption of Research Animals. *AWIC newsletter*, Vol 7 (No. 3-4) Found online at
<https://archive.org/details/CAT10401495023>

3
Julie Ellingson

Testimony on HB 1267
Jan. 26, 2017

Good morning, Chairman Johnson and House Agriculture Committee members. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association. The NDSA is an 87-year-old beef industry trade organization representing more than 3,000 cattle-ranching members – members who recognize animal stewardship as a top priority.

HB 1267 would require that research institutions offer retired research animals to an animal shelter or rescue before euthanizing them. While this might not sound like a bad idea on the surface, we are opposed to the bill, since our research into this issue indicates that it is an unnecessary mandate.

In discussions with officials at North Dakota State University, for example, we learned that dog and cat research is not even being conducted there, so the bill may have limited applicability here in our state.

In those discussions, we also learned that dogs and cats are sometimes used in the institution's teaching programs, such as the vet tech program, where the animals are taken on loan from area shelters and rescues and the entities work in partnership to train students and care for the animals.

These arrangements and relationships already exist, even without a statute in place. A director of one animal shelter that has provided animals for NDSU teaching programs in the past indicated that the relationship has been beneficial to all the parties involved. In that instance, the research institution not only provided care and a home for the animals, but it picked up the cost of the animals' food, vaccinations and other needs, which saved the shelter considerable cost.

We found no current law or policy that prohibits research institutions from offering retired research animals to shelters or rescues, and so that opportunity exists right now, without the passage of HB 1267.

It is also important to note that federal regulations already exist that require institutions that conduct animal research to maintain an Institutional Animal Care and Use Committee to review projects that involve animals and to oversee the training of personnel and the maintenance of animal facilities. Research involving animals is also federally regulated under the Animal Welfare Act and the Health Research Extension Act of 1985. These laws are administered and enforced by the U.S. Department of Agriculture and the Office of Laboratory Animal Welfare of the National Institutes of Health.

For these reasons, we believe that HB 1267 is unnecessary and encourage your do-not-pass recommendation.



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Testimony of Deana Wiese
North Dakota Veterinary Medical Association
In Opposition to HB 1267
January 26, 2017

Chairman Johnson and Members of the House Agriculture Committee:

My name is Deana Wiese, and I am representing the North Dakota Veterinary Medical Association (NDVMA). I am here today in opposition to HB 1267 as NDVMA has several concerns regarding the bill.

NDVMA has spent more than a century representing the interests of veterinarians, their clients and patients. Today, the organization has more than 275 members representing small, large animal, exotic, bovine and equine practitioners and those veterinarians working in research, academic and government capacities.

While NDVMA respects and understands the intent of HB 1267, to our knowledge the research universities in the state do not currently have ownership of any dogs and/or cats for research. The NDSU veterinary technician program utilizes dogs and cats in their teaching program and has contracts with local animal shelters/humane societies/animal rescues to provide dogs and cats for training their students. These animals are returned to their respective shelters and rescues following completion of their use in those training programs.

Should this bill move forward, we would ask the committee to take a look at the language defining a retired animal, which begins on page 1, line 22, and reads:

"Retired animal" means a dog or cat that was previously used or held for scientific, testing, educational, or research purposes and is no longer needed by the research facility, and has no substantial medical conditions preventing the safe adoption of the animal.

NDVMA's concerns are as follows:

1. The lack of a definition of substantial.
2. The lack of guidelines to determine if the dog or cat is healthy for adoption and free of substantial medical conditions.

3. No identification of who will determine if the dog or cat has any medical or behavioral issues that would preclude a safe adoption.

On page 2, lines 3-9 state the research facility, or an employee or student of a research facility, shall offer the animal for adoption before euthanizing the animal. HB 1267 does not clarify a timeframe for adoption. If research facilities were to utilize dogs and cats in their facilities, how long would be acceptable for the animal to wait for adoption?

If the dog or cat is placed with an animal rescue organization, an animal shelter or private placement and an event should occur that causes injury or illness to either a human or another animal, who would be liable?

NDVMA sees this bill providing more questions than answers to an issue that is currently not relevant. Therefore, we'd encourage a Do Not Pass recommendation on HB 1267.