

JAN 25 2006

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# A BILL FOR AN ACT

RELATING TO CRUELTY TO ANIMALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature recognizes the unnecessary  
2 cruelty involved in the production of foie gras. Foie gras is  
3 produced by inserting a pipe down a bird's esophagus and forcing  
4 excessive quantities of food into the bird's stomach. This  
5 process is continued several times a day until the bird develops  
6 fatty liver disease, causing the bird to suffer unnecessarily.  
7 The legislature further recognizes that the production of foie  
8 gras has been illegal in numerous other countries for many  
9 years.

10           The purpose of this Act is to:

- 11           (1) Ban the force feeding of birds;  
12           (2) Ban the sale of any products that result from the  
13                 force feeding of birds; and  
14           (3) Establish a revolving fund to offset the cost of  
15                 enforcement of animal cruelty laws.

16           SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:



1            **"§321- Cruelty to animals prevention revolving fund;**  
 2 **uses.**    (a) There is created within the state treasury a cruelty  
 3 to animals prevention revolving fund, which shall consist of  
 4 moneys paid to the fund from fines collected under section  
 5 711- .

6            (b) Moneys from the fund shall be expended by the  
 7 department of health and shall be distributed to the lead  
 8 governmental agency involved in any proceeding to enforce  
 9 section 711- to reimburse it for the cost of enforcement of  
 10 that section. In the event that the moneys paid to the fund  
 11 exceed the enforcement costs incurred by the lead governmental  
 12 agency, the remaining moneys shall be distributed to any society  
 13 formed or incorporated for the prevention of cruelty to animals  
 14 to offset costs incurred pursuant to section 711-1110 or section  
 15 711- ."

16            SECTION 3. Chapter 711, Hawaii Revised Statutes, is  
 17 amended by adding a new section to be appropriately designated  
 18 and to read as follows:

19            **"§711- Cruelty to birds.**    (1) A person commits the  
 20 offense of cruelty to birds if the person:

1        (a) Force feeds any bird, or hires another person to force  
2                feed any bird, for the purpose of enlarging the bird's  
3                liver beyond normal size; or

4        (b) Sells or offers for sale any product that is the result  
5                of force feeding a bird as prohibited under subsection  
6                (1) (a).

7        (2) For purposes of this section:

8        (a) A bird includes any member of the avian family,  
9                including but not limited to a duck or goose;

10       (b) Force feeding a bird means causing the bird to ingest  
11               an excessive quantity of food or more food than a  
12               typical bird of the same species would consume  
13               voluntarily while foraging. Force feeding methods  
14               include, but are not limited to, delivering food  
15               through a tube or other device inserted into the  
16               bird's esophagus.

17       (3) A separate violation of this section occurs:

18       (a) Each time an individual bird is force fed;

19       (b) Each day that a product prohibited under subsection  
20               (1) (b) is offered for sale; and

21       (c) Upon the completion of any sale by delivery of a  
22               product prohibited under subsection (1) (b).

1        (4) Any fine imposed under this section shall be deposited  
2 into an animal cruelty prevention revolving fund pursuant to  
3 section 321- .

4        (5) If there is any conflict between this section and  
5 section 711-1109, this section shall apply.

6        (6) Cruelty to birds is a class C felony."

7        SECTION 4. Section 711-1110, Hawaii Revised Statutes, is  
8 amended to read as follows:

9        "**§711-1110 Relating to agent of society.** The agent of any  
10 society which is formed or incorporated for the prevention of  
11 cruelty to animals, upon being appointed thereto by the  
12 president of such society in any district in the State, may  
13 within such district make arrests and bring before any district  
14 judge thereof offenders found violating the provisions of  
15 section 711-1109 or 711- . to be dealt with according to law."

16        SECTION 5. New statutory material is underscored.

17        SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Annanne Chun Okelana DLR

**Report Title:**

Cruelty to Birds

**Description:**

Prohibits the force feeding of birds and makes the offense a class C felony. Establishes an animal cruelty prevention fund to offset the costs incurred in enforcing cruelty to animal laws.

