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## A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1           SECTION 1. The legislature finds that euthanasia is not a  
2 cost-effective, acceptable, or ethical solution to the threats  
3 to public health and safety posed by the large populations of  
4 stray, feral, or homeless cats throughout the State. Stray and  
5 abandoned pets, specifically cats, create numerous public health  
6 and safety problems, including transmission of disease and  
7 traffic hazards created by cats running loose on public streets,  
8 in public parks, and in other areas.

9           A permit system for breeding cats owned or harbored in the  
10 State, combined with a program for spaying and neutering, would  
11 provide a reasonable and effective means of reducing the  
12 population of abandoned or stray cats and eliminate the practice  
13 of euthanizing apparently homeless cats. Euthanasia would be  
14 permitted to terminate a cat's suffering or to protect  
15 individual or public health and safety or the health or safety  
16 of other animals.

17           The purpose of this Act is to provide for the public  
18 health, safety, and welfare through a program requiring spaying



1 and neutering of all cats in the State unless appropriate  
2 permits are acquired.

3 SECTION 2. Chapter 143, Hawaii Revised Statutes, is  
4 amended by adding a new part to be appropriately designated and  
5 to read as follows:

6 **"PART II. PERMITS AND REQUIREMENTS FOR CATS**

7 **§143-A Definitions.** Whenever used in this part, unless  
8 the context otherwise requires:

9 "Person" means any individual, partnership, firm, joint  
10 stock company, corporation, association, trust, estate, or other  
11 legal entity.

12 "Releasing agency" means any animal shelter, animal rescue  
13 league, pound, animal control facility, animal control officer,  
14 humane society, or society for the prevention of cruelty to  
15 animals that is operated or contracted by the State or any  
16 county to conduct animal control functions or operations.

17 **§143-B Spaying and neutering.** (a) No person shall own or  
18 harbor in this State, any cat over the age of six months that  
19 has not been spayed or neutered, unless the person:

- 20 (1) Adopted the cat from a releasing agency and executed a  
21 written agreement with the releasing agency to have  
22 the cat spayed or neutered within thirty days of the



1 adoption date or within thirty days from the date that  
2 the cat reaches sexual maturity; provided that the  
3 cost of the spaying or neutering shall be the  
4 responsibility of the adopting party;

5 (2) Holds a license or permit to keep an unaltered cat;

6 (3) Holds a license and permit for breeding cats issued by  
7 an animal control officer for the county in which the  
8 person resides; or

9 (4) States that, due to age, health, or illness, it would  
10 be inappropriate to spay or neuter the cat, and  
11 possesses a letter from a licensed veterinarian  
12 stating such, which shall be provided to the  
13 appropriate animal control officer.

14 (b) An intact permit shall be issued for an unaltered cat  
15 when an owner signs a written statement that the cat shall not  
16 breed unless the owner has first obtained a breeding permit. An  
17 intact permit may be issued by an animal control officer to any  
18 owner who refuses to spay or neuter the owner's cat. The annual  
19 fee for an intact permit shall be \$100 a year for each cat. All  
20 funds from intact permits shall be deposited in the spay and  
21 neuter account or general fund, if no spay and neuter account  
22 has been established, of the county in which the owner resides.



1 (c) Any person providing care or sustenance for any cat  
2 for an uninterrupted period of sixty days or longer shall be  
3 deemed the owner of the cat and shall be subject to this part.  
4 A county by ordinance may require a person who provides care or  
5 sustenance for any feral cats to hold a permit under this part.

6 **§143-C Breeding permits.** (a) Each county animal control  
7 officer shall administer a permit program to allow the breeding  
8 of cats consistent with the criteria and procedures in the  
9 appropriate county ordinances; provided that where a county has  
10 any ordinance specifically prohibiting the breeding of cats, the  
11 county's ordinance shall govern with respect to that provision  
12 only.

13 (b) No person shall cause or allow the breeding of a male  
14 or female cat without first obtaining a breeding permit issued  
15 by the animal control officer. Breeding permits shall be valid  
16 for twelve months and renewable on an annual basis for a fee of  
17 \$100 per cat. A breeding permit shall require that:

18 (1) No offspring may be sold or adopted and permanently  
19 placed until reaching an age of at least eight weeks;

20 (2) No offspring may be sold or adopted until immunized  
21 against common diseases as determined by the  
22 chairperson of the board of agriculture in accordance



1 with chapter 142 to be contagious or injurious to  
2 public health or to the health of other animals;

3 (3) Any breeding permit holder advertising to the public  
4 the availability of any animal for adoption or sale  
5 shall prominently display the breeding permit number  
6 in any advertisement. The breeding permit number  
7 shall be provided to any person adopting or purchasing  
8 any animal bred by the permit holder; and

9 (4) The breeding permit holder shall adhere to minimum  
10 standards regarding the care and keeping of animals  
11 pursuant to this part and chapter 142.

12 **§143-D Sale or adoption of cats.** (a) Any person or  
13 licensed business who provides or offers to the public, whether  
14 or not for compensation, any pet or pet related goods, where  
15 they are the primary products, or pet services shall provide to  
16 their clients, at no charge, information relating to pet care  
17 and ownership, including information on state and county laws  
18 pertaining to animal care and control, including licensing and  
19 permits.

20 (b) Any person offering cats for sale or adoption shall  
21 disclose to any purchaser or adoptive owner, information



1 regarding the cat licensing or permit requirements of the county  
2 in which the owner resides.

3       **§143-E Revocation of permit.** (a) Any permit issued may  
4 be revoked if an animal control officer has reasonable cause to  
5 believe that:

6       (1) The permittee has violated the provisions of chapter  
7       142, or other state law or county ordinance relating  
8       to the keeping, care, or use of any animal;

9       (2) The permittee is in violation of any state health or  
10       safety law or rule regarding animal care or control;

11       (3) The permittee has failed to comply with any condition  
12       or requirement of the permit or has failed to pay any  
13       fee imposed under this part;

14       (4) The permittee has refused to allow inspection, upon  
15       forty-eight hours of written notice, of any cat  
16       covered by any permit issued pursuant to this part or  
17       of the premises on which the cat is kept; or

18       (5) The permittee has transferred, sold, or otherwise  
19       disposed of the cat for which the permit was issued.

20       (b) If, after investigation, the animal control officer  
21 concludes that it is probable that one or more of the grounds  
22 for revocation in subsection (a) has occurred, the officer shall



1 transmit by mail, written notice of the possible permit  
2 revocation to the address of the permittee. The notice shall  
3 specify:

- 4 (1) The grounds of possible revocation of the permit; and
- 5 (2) A date and time for an informal hearing to be held  
6 before the animal control officer.

7 The hearing date shall be not less than five days after the date  
8 that the notice is mailed. After the informal hearing, the  
9 animal control officer may modify the terms of the permit or  
10 revoke the permit. If the health or well-being of the animal is  
11 in danger, the animal control officer may take custody and  
12 control of the animal until a hearing is conducted pursuant to  
13 this section.

14 **§143-F Farmland exemption.** Farmland means any tract or  
15 tracts of land, including woodland and wasteland constituting a  
16 farm unit that is actively devoted to agricultural or  
17 horticultural use including: forages and sod crops; grains and  
18 feed crops; fruits and vegetables; poultry, dairy, and other  
19 livestock and their products; nursery, floral, and greenhouse  
20 products; and any other food or fiber products useful to people.  
21 Any person who owns or harbors a cat and who resides on farmland  
22 shall be exempt from this part.



1           **§143-G Abandonment of cats.** Any owner or any person  
2 having charge or custody of a cat, who abandons the cat shall be  
3 punished as provided in section 711-1109.

4           **§143-H Penalty for violation.** Any person who violates the  
5 license or permit provisions of this part shall have no more  
6 than thirty days to have the cat spayed or neutered or provide  
7 proof from a licensed veterinarian indicating that arrangements  
8 have been made to spay or neuter the cat. The animal control  
9 officer shall inform any persons subject to this section of the  
10 availability of any reduced cost or free spay and neuter  
11 programs available for low income persons and any programs  
12 sponsored by local humane organizations offering low cost or  
13 free spaying or neutering. If an animal is not spayed or  
14 neutered within thirty days of the notice, the violator shall be  
15 subject to a \$75 fine for each thirty days that the animal is  
16 not spayed or neutered. Funds generated pursuant to this  
17 section shall be deposited in the spay and neuter account of the  
18 county where the violation occurred and shall be used to fund  
19 low-cost spay and neuter programs in accordance with section  
20 143-K.





1           **§143-I Responsibility for enforcement.** The county animal  
2 control officer shall be responsible for the enforcement and  
3 administration of this part.

4           **§143-J Time for compliance.** Any person who owns or  
5 harbors a cat subject to this part on the effective date of this  
6 part shall have one hundred twenty days from the effective date  
7 to comply with this part.

8           **§143-K Low-cost spay and neuter accounts.** (a) All  
9 revenue generated pursuant to section 143-H and section 143-3  
10 shall be deposited in the respective county's spay and neuter  
11 account. These revenues shall be divided equally, with fifty  
12 per cent reserved for the exclusive use of funding a low-cost  
13 spay and neuter program for the cats of any person who qualifies  
14 for:

- 15           (1) Any public assistance program pursuant to chapter 346;
- 16           (2) The food stamp program authorized by Title XIII of the  
17           federal Food and Agriculture Act of 1977, 7 USC 2011  
18           et seq.;
- 19           (3) The supplemental security income program authorized by  
20           Title XVI of the federal 22 Social Security Act, 42-  
21           USC 1381 et seq.;



- 1 (4) The federal Temporary Assistance for Needy Families
- 2 Act authorized by 42 USC 601 et seq.; or
- 3 (5) The medicaid program authorized by Title IX of the
- 4 federal Social Security Act, 42 USC 1381.

5 The person shall provide proof of eligibility for the low-

6 cost spay and neuter provisions of this section to the

7 appropriate animal control officer.

8 (b) All remaining funds shall be deposited in the

9 respective county's spay and neuter account, or general fund, if

10 no spay and neuter account has been established, to fund the

11 spaying and neutering of animals currently residing in the

12 county's pound and to fund low-cost spay and neuter programs."

13 SECTION 3. Chapter 143, Hawaii Revised Statutes, is

14 amended by designating sections 143-1 to 143-19 as "PART I.

15 LICENSING OF DOGS".

16 SECTION 4. Section 143-1, Hawaii Revised Statutes, is

17 amended to read as follows:

18 "~~§143-1~~ **Definitions.** Whenever used in this [~~chapter,~~]

19 part, unless the context otherwise requires:

20 "Officer" means any sheriff, deputy, any member of a police

21 force in counties with a population of less than 100,000 and

22 animal control officers of the several counties of the State[+].



1 "Owner" includes every person owning, harboring, or keeping  
 2 a dog; provided that if the owner is a minor under the age of  
 3 eighteen years, the parent, guardian, or other person having the  
 4 care, custody, or control of the minor shall be irrebuttably  
 5 presumed to be the owner[+].

6 "Unlicensed dog" means any dog for which the license for  
 7 the current year has not been paid or to which the tag provided  
 8 for in this chapter is not attached."

9 SECTION 5. Section 143-2.5, Hawaii Revised Statutes, is  
 10 amended to read as follows:

11 "[+]§143-2.5[+] **Regulation of other animals.** (a) Nothing  
 12 in this [~~chapter~~] part shall be construed as a limitation on the  
 13 authority of the counties to regulate, including by licensure,  
 14 animals other than dogs.

15 (b) The provisions of this part shall be in addition to  
 16 the permits and other requirements for cats in part II."

17 SECTION 6. Chapter 143-3, Hawaii Revised Statutes, is  
 18 amended to read as follows:

19 "§143-3 **License fee controlled by ordinance.** (a) Except  
 20 where licenses are dispensed with pursuant to section 143-2,  
 21 each county council shall have the power to fix the license fee  
 22 for dogs on a biennial basis. Until and unless otherwise



1 provided by ordinance the biennial license fee for each dog  
2 shall be [~~\$4.~~] \$5. Any person owning or having the custody or  
3 control of any dog shall pay the license fee to the director of  
4 finance of the county in which the dog is owned, kept, or  
5 controlled. The license fee shall be due and payable on  
6 January 2 of every second year and shall be paid before March 11  
7 of every second year, or within thirty days after the exemption  
8 ceases in the case of dogs becoming subject to this chapter.

9 The full amount of the fee shall be paid for any fraction  
10 of the license period for which a license is issued.

11 (b) At least \$1 from each dog license fee collected shall  
12 be used to fund low cost spay and neuter programs established  
13 under this chapter. All moneys received by the director of  
14 finance under this chapter shall be paid into the general fund  
15 of [~~such~~] the appropriate county[-], unless the county chooses  
16 to create a separate spay and neuter account, in which case at  
17 least \$1 of each license fee collected shall be deposited  
18 therein. Any revenue collected pursuant to this chapter for the  
19 purpose of funding low cost spay and neuter programs that goes  
20 unused during any calendar year shall remain in a county's spay  
21 and neuter account or general fund, if no spay and neuter  
22 account exists, for use during the following fiscal year."



1 SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

Tony Vaccaro by Request

John Wang

JAN 15 2008



**Report Title:**

Cats; Breeding Permits; Spay; Neuter

**Description:**

Establishes a breeder permit system for cats and a spay and neuter program to control the cat population in the State.

