

---

---

# A BILL FOR AN ACT

RELATING TO THE HUMANE TREATMENT OF PET ANIMALS.

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

1           SECTION 1. Section 711-1100, Hawaii Revised Statutes, is  
2 amended by amending the definition of "necessary sustenance" to  
3 read as follows:

4           ""Necessary sustenance" means care sufficient to preserve  
5 the health and well-being of a pet animal, except for  
6 emergencies or circumstances beyond the reasonable control of  
7 the owner or caretaker of the pet animal, and includes [~~but is~~  
8 ~~not limited to~~] the following requirements:

- 9           (1) Food of sufficient quantity and quality to allow for  
10           normal growth or maintenance of body weight;
- 11           (2) Open or adequate access to water in sufficient  
12           quantity and quality to satisfy the animal's needs;
- 13           (3) Access to protection from wind, rain, or sun; and
- 14           (4) An area of confinement that has adequate space  
15           necessary for the health of the animal and is kept  
16           reasonably clean and free from excess waste or other  
17           contaminants that could affect the animal's health.



1           Any kennel or cage where a dog or cat spends the  
2           majority of its time must allow the dog or cat  
3           adequate space to stand up, turn around freely, and  
4           lie down."

5           SECTION 2. Section 711-1109, Hawaii Revised Statutes, is  
6 amended by amending subsections (1) and (2) to read as follows:

7           "(1) A person commits the offense of cruelty to animals in  
8 the second degree if the person intentionally, knowingly, or  
9 recklessly:

10           (a) Overdrives, overloads, tortures, torments, beats,  
11 causes substantial bodily injury, or starves any  
12 animal, or causes the overdriving, overloading,  
13 torture, torment, beating, or starving of any animal [~~7~~  
14 ~~or deprives~~];

15           (b) Deprives a pet animal of necessary sustenance or  
16 causes such deprivation;

17           ~~(b)~~ (c) Mutilates, poisons, or kills without need any  
18 animal other than insects, vermin, or other pests;

19           ~~(c)~~ (d) Keeps, uses, or in any way is connected with or  
20 interested in the management of, or receives money for  
21 the admission of any person to, any place kept or used  
22 for the purpose of fighting or baiting any bull, bear,



- 1           cock, or other animal, and includes every person who  
2           encourages, aids, or assists therein, or who permits  
3           or suffers any place to be so kept or used;
- 4    ~~[(d)]~~   (e)   Carries or causes to be carried, in or upon any  
5           vehicle or other conveyance, any animal in a cruel or  
6           inhumane manner; ~~[or]~~
- 7           (f)   Confines or causes to be confined, in a kennel or  
8           cage, any pet animal in a cruel or inhumane manner;
- 9           (g)   Tethers, fastens, chains, ties or restrains a dog to a  
10           dog house, tree, fence, or any other stationary object  
11           by means of a choke collar, pinch collar, chain  
12           collar, or prong collar, or any restraint that would  
13           allow the dog to choke or become entangled; provided  
14           that a person is not prohibited from using such  
15           restraints when walking a dog with a hand-held leash  
16           or while a dog is engaged in a supervised activity; or
- 17    ~~[(e)]~~   (h)   Assists another in the commission of any act  
18           specified in subsections (1)(a) through ~~[(1)(d)].~~
- 19           (1)(g).
- 20           (2)   Subsection (1)(a), (b), ~~[(d), and]~~ (c), (e), (f), (g),  
21    and (h) shall not apply to:
- 22           (a)   Accepted veterinary practices;



1 (b) Activities carried on for scientific research governed  
2 by standards of accepted educational or medicinal  
3 practices; or

4 (c) Pest control operations conducted pursuant to chapter  
5 149A by a pest control operator licensed pursuant to  
6 chapter 460J, if the pest control is performed under a  
7 written contract."

8 SECTION 3. Section 711-1109.6, Hawaii Revised Statutes, is  
9 amended by amending subsection (1) to read as follows:

10 "[~~f~~]§711-1109.6[~~f~~] **Animal hoarding.** (1) A person commits  
11 the offense of animal hoarding if the person intentionally,  
12 knowingly, or recklessly:

13 (a) Possesses more than [~~twenty~~] fifteen dogs, cats, or a  
14 combination of dogs and cats;

15 (b) Fails to provide necessary sustenance for each dog or  
16 cat; and

17 (c) Fails to correct the conditions under which the dogs  
18 or cats are living, where conditions injurious to the  
19 dogs', cats', or owner's health and well-being result  
20 from the person's failure to provide necessary  
21 sustenance."



1 SECTION 4. Act 128, Session Laws of Hawaii 2008, is  
2 amended by amending section 7 to read as follows:

3 "SECTION 7. This Act shall take effect upon its approval  
4 and shall be repealed on July 1, [~~2011.~~] 2015."

5 SECTION 5. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun, before its effective date.

8 SECTION 6. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on July 1, 2050.



S.B. NO. 1222  
S.D. 1  
H.D. 1

**Report Title:**

Humane Treatment of Pet Animals

**Description:**

Clarifies animal cruelty law. Prohibits the confinement of a pet animal in a kennel or cage in cruel or inhumane manner or for an unreasonable period of time. Prohibits the tethering of a dog to a stationary object with a chain, choke, pinch, or prong collar. Amends the law on animal hoarding and extends sunset date to July 1, 2015. (SB1222 HD1).

