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**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION of 2009

Monday, March 30, 2009
2:15 p.m.

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 221 AND HOUSE
RESOLUTION NO. 190, REQUESTING THE DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS, BOARD OF VETERINARY EXAMINERS AND THE
HAWAIIAN HUMANE SOCIETY TO IMPLEMENT A COMPREHENSIVE PET
PROTECTION PROGRAM FOR DOGS AND CATS.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Program Specialist of the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to testify on H.C.R. No. 221 and H.R. No. 190, requesting the Department, Board of Veterinary Examiners and the Hawaiian Humane Society to implement a comprehensive pet protection program for dogs and cats.

The Department recognizes the intent of these resolutions, but since we do not regulate the pet dealer industry, we request that the Department be removed from being named in these resolutions. Also, if the intent is to regulate the pet dealer industry, then the Department should still be removed from being named in the resolutions and another resolution should be adopted asking for the Auditor to do a sunrise on this issue.

Thank you for the opportunity to present testimony on H.C.R. No. 221 and H.R. No. 190.

**PRESENTATION OF THE
BOARD OF VETERINARY EXAMINERS**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Monday, March 30, 2009
2:15 p.m.

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 221 AND
HOUSE RESOLUTION NO. 190, REQUESTING THE DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS, BOARD OF VETERINARY
EXAMINERS AND THE HAWAIIAN HUMANE SOCIETY TO IMPLEMENT A
COMPREHENSIVE PET PROTECTION PROGRAM FOR DOGS AND CATS.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Lynn Bhanot. I am the Executive Officer for the Board of Veterinary Examiners ("Board"). The Board of Veterinary Examiners appreciates the opportunity to present testimony on behalf of the Board on House Concurrent Resolution No. 221 and House Resolution No. 190.

The purpose of H.C.R. No. 221 and H.R. No. 190 is to request the DCCA, the Board of Veterinary Examiners, and the Hawaiian Humane Society to implement a comprehensive pet protection program for dogs and cats. The Board recognizes the importance of protecting the welfare of dogs and cats from cruelty and exploitation, as well as protecting Hawaii's consumers from less-than-reputable pet breeders and dealers.

The Board has not had an opportunity to review this measure and has no position on this matter at the present time. The Board is scheduled to meet on

Testimony on H.C.R. No. 221 and H.R. No. 190
Monday, March 30, 2009
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Wednesday, April 15, 2009, to discuss the language and substance of this measure and will formulate its position.

The Board appreciates the intent of this measure, but respectfully requests that this measure be deferred until the Board of Veterinary Examiners has the opportunity to review it. Thank you for the opportunity to testify on H.C.R. No. 221 and H.R. No. 190.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Honorable Chair Robert Herkes, Vice-Chair Glenn Wakai

March 30, 2009, 215pm, Rm 325

Statement of Support for HCR 221/HR 190

Submitted by Inga Gibson, Hawaii State Director, The Humane Society of the United States

Honorable Chair Herkes, Vice-Chair Wakai and Committee members:

On behalf of our 47,704 members and supporters in Hawaii, The Humane Society of the United States thanks you for this opportunity to speak in support of HCR 221/HR 190; relating to the implementation of a Pet Protection Program.

U.S. animal shelters euthanize 3 million to 4 million cats and dogs every year- tens of thousands in Hawaii- and yet, pet industry statistics show that about one third of the nation's 11,000 pet stores continue to sell puppies. Many of these dogs come from *puppy mills*—mass commercial breeding operations that put profit above the health and welfare of the animal. In Hawaii, most of the pet stores sell puppies from mills in Australia- sight unseen- or from local breeders who lack any formal regulation, inspection or registration requirements.

Although all 50 states have anti-cruelty laws intended to prevent neglect and mistreatment of pets, many cat and dog breeding facilities, and the pet stores that sell the animals, continue to operate in ways that are deceptive to consumers and physically and emotionally damaging to the animals.

While the U.S. Department of Agriculture licenses and inspects "commercial breeding facilities" for violations of the Animal Welfare Act, again, there is no state law in Hawaii that regulates pet stores or breeders. Therefore puppy mills or disreputable breeders can successfully navigate around these laws, either by selling directly to consumers through newspaper or internet advertisements (thereby avoiding USDA licensing requirements) or by simply avoiding the reach of law enforcement (with so few USDA inspectors and minor fines, it's easy to stay in business).

Pets from large-scale breeders are more likely to have health problems due to overbreeding, inbreeding, minimal veterinary care, poor food and shelter, crowded cages, and lack of adequate socialization, leaving unknowing consumers with significant veterinary bills or even the death of their pet soon after purchase. Unwanted litters or mother dogs who can no longer "produce" often end up at local animal shelters to be cared for or euthanized at taxpayer's expense.

17 states have attempted to address this issue by passing pet "lemon laws." Under most of these laws, the dog or cat owner is offered a refund, an exchange for another animal, or reimbursement of veterinary bills up to the purchase price of the animal within a certain period of time. While these laws offer minimal financial protection to consumers, standards for the appropriate care and housing of animals used for breeding and sale are absolutely essential to truly protect consumers and animal welfare.

Although this resolution focuses primarily on pet dealers, meaning those who breed or sell animals, there is a tremendous need for pet protection standards for privately owned pets as well. Thousands of dogs spend their lives on the end of a chain and hundreds more are kept in poor conditions, suffering in the “grey area” of our state anti-cruelty and neglect laws.

The HSUS is in strong support of this resolution and respectfully urges its passage. We are also more than willing to serve in any capacity on the proposed task force to develop pet protection standards and programs.

Please contact me at 808-922-9910 or igibson@humanesociety.org for further information.

Sharon Sagayadoro

From: El Solo [elsolo@hawaii.rr.com]
Sent: Sunday, March 29, 2009 9:03 PM
To: CPCtestimony
Subject: HCR/HR190 Testimony in Opposition

My name is Marjorie Norstrom

I have been an exhibitor and breeder in Collies and Shetland Sheepdog for about 25 years. All of my dogs are registered with the American Kennel Club

My two cats- Cat Federation of America

I am a member of the American Shetland Sheepdog Association, Shetland Sheepdog of Hawaii Hawaii Herding Club and Hawaiian Kennel Club.

I breed - maybe one or two litters a year

Also put a lot of thought before doing any form of breeding.

Breed for type, pedigree and health.

My adults and pups live in sanitary conditions and receive good food, attention, training and medical care.

I do my best to place all puppies (after my selection or selections) in wonderful forever homes.

Should mention that my puppies are examined by a certified veterinarian before they are sold.

Everyone who has my pups have my , address, telephone number and email address.

My husband Richard Norstrom contributes to the Morris Animal Foundation and the Hawaiian Humane Society annually for many years.

Thank you for your attention

Marjorie Norstrom

4441 Sierra Dr

Honolulu, Hi 96816

Sharon Sagayadoro

From: sherlane dick [sherlanedick@msn.com]
Sent: Monday, March 30, 2009 7:36 AM
To: CPCtestimony
Subject: Oppose HCR 221 and HR 190.

I am a member of Aloha Cat Fancier and have participated in many shows where the breeder present their different breed of show cats. These are CFA shows that fall under strict CFA guidelines. These are dedicated people who take wonderful care of their cats.

I believe there are many laws already in place to handle any cruelty to cats or any animal and this is just another hurdle that could jeopardize the very existence of pure bred cats fanciers in Hawaii. These dedicated breeders face many expenses to keep their cats in excellent condition to protect the buyer as well as their own cats. and do not need additional expenses and regulations.

I go on record to oppose HCR221 and HR 19.0.

Thank you for the opportunity to provide testimony in this matter.

Sharon Sagayadoro

From: John Kawata [jkawata@hawaii.rr.com]
Sent: Sunday, March 29, 2009 9:32 AM
To: CPCtestimony
Subject: HCR 221/HR 190 -- Testimony

Monday, March 30, 2009

2:15 p.m.

Conference Room 325

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TO: Chair Herkes

Vice Chair Wakai

RE: HCR 221/HR 190

Testimony in Opposition

TESTIFYER: John Kawata
Pet Owner/Concerned Citizen

Chair Herkes, Vice Chair Wakai and members of the Committee:

My name is John Kawata. I own a couple of Persian cats that I obtained from a local breeder who shows cats and occasionally has kittens for sale. That individual's cattery is registered with the Cat Fanciers' Association, Inc. which is the largest registry of pure-bred cats in America. My cats are healthy and well-socialized.

HCR 221 and HR 190 request that the Department of Commerce and Consumer Affairs, Board of Veterinary Examiners and the Hawaiian Humane Society implement a comprehensive pet protection program for dogs and cats. As part of the pet protection program, the measures seek inclusion of elements that would 1) require a pet dealer to refund the purchase price or pay medical expenses to a customer who obtains a written certification from a licensed veterinarian, within fifteen days of purchase that the animal is ill or, within one year of the date of purchase, that the animal has a fatal or life threatening disease; and 2) provide penalties and remedies for violations of the pet protection program.

I oppose both measures as they unfairly target cat and dog breeders and pet dealers. I note that the resolutions reference HB 1842 which was not heard this session. In doing so, HCR 221 and HB 190 seek to incorporate provisions from HB 1842. This seems to me to be a highly irregular and objectionable means of attempting to create law without giving the public, your constituents, the opportunity for input. As drafted, HCR 221 and HR 190 are not truly a "bill of rights" for the protection of animals, but a veiled and highly unfair means of attempting to regulate the conduct of pet dealers and breeders outside of the proper legislative channels and procedures in the absence of an open public hearing.

HCR 221 and HR 190 are flawed. The bills make no distinction between the individual who has a cattery or kennel which is registered with a national organization such as the Cat Fanciers' Association, Inc.

(CFA) or the American Kennel Association (AKC) and the “backyard” breeder who does not belong to the CFA or the AKC. Everyone is lumped together, including the pet dealer that I assume is a retail establishment, although the bills do not specify such. There are legitimate breeders who are active in the show circuit and adhere to the strict standards of the respective association they are registered with. Such breeders take extremely good care of their animals and are quite particular to who they sell the occasional cat or dog. In my case, a written contract, written information about how to care for my cats, a health register, and information about having my cats fixed at the appropriate age were provided. My cats had been examined by a vet before I got them and had all the necessary shots.

Then there are “backyard” breeders who do not have a registered cattery or kennel, whose animals and litters are not registered, and who only sell animals for profit. In the way the bills are crafted, HCR 221 and HR 190 penalize the legitimate breeders, and only serve to give consumers an unfair advantage despite the vast amount of information available to consumers now days about breeds and breeders.

While HCR 221 and HR 190 state that they seek the creation of a pet protection program for the benefit of cats and dogs, there are other animals that also deserve protection. What about bird breeders and breeders of pot bellied pigs which seem to be gaining in popularity? I question whether there is truly a need to regulate cat and dog breeders and pet dealers. From what I’ve seen in the media, animal cruelty prosecutions have involved pet owners, not breeders. With the number of animal cruelty laws on the books already, additional regulations like that which is being attempted through HCR 221 and HR 190 are unnecessary.

For the reasons stated above, I ask that HCR 221 and HR 190 be held.

Thank you for the opportunity to provide testimony.

Monday, March 30, 2009

2:15 p.m.

Conference Room 325

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TO: Chair Herkes

Vice Chair Wakai

RE: HCR 221/HR 190

Testimony in Opposition

TESTIFYER: Claudia Nishiyama

Cat Colony Caretaker/Cat Show Exhibitor

Chair Herkes, Vice Chair Wakai and members of the Committee:

My name is Claudia Nishiyama. I am the president of the Sepulveda Cat Club, an affiliate club of the Cat Fanciers' Association, Inc., the largest registry of pure bred cats in America. I also show Persian and Exotic cats, and have done so for more than ten (10) years. In addition, I care for a colony of feral cats by providing food, veterinary care and spaying and neutering at my own expense.

HCR 221 and HR 190 request that the Department of Commerce and Consumer Affairs, Board of Veterinary Examiners and the Hawaiian Humane Society implement a comprehensive pet protection program for dogs and cats. As part of the pet protection program, the measures seek inclusion of elements that would 1) require a pet dealer to refund the purchase price or pay medical expenses to a customer who obtains a written certification from a licensed veterinarian, within fifteen days of purchase that the animal is ill or, within one year of the date of purchase, that the animal has a fatal or life threatening disease; and 2) provide penalties and remedies for violations of the pet protection program.

While the intent of the resolutions is commendable, I oppose both measures as they unfairly target breeders and pet dealers and provide no protection to breeders and pet dealers against consumers who may be unscrupulous. As drafted, HCR 221 and HR 190 is not truly a "bill of rights" for the protection of animals, but a veiled and highly unfair means of attempting to regulate the conduct of pet dealers and breeders outside of the proper legislative channels and procedures in the absence of an open public hearing.

HCR 221 and HR 190 contain no definitions of "breeder" and "pet dealer". Thus, potentially even a caretaker of a feral cat colony could be considered a breeder or pet dealer. From time to time, I am able to find homes for some of the feral cats in the colony. Without any definitions of "breeder" or "pet dealer", someone in my position would be subject to the provisions of HCR 221 and HR 190. However, given the nature of the cats in the colony, I am

not able to comply with the requirements of providing information pertaining to dates of birth, breed, health history, or prior ownership. The penalty provisions of HCR 221 and HR 190 automatically become applicable.

I also work in conjunction with some of the no-kill animal shelters on Oahu that take in feral and stray cats and dogs. These shelters are successful in finding good homes for the animals in their care. Since HCR 221 and HR 190 contain no definitions of “breeder” and “pet dealer”, the shelters will fall within the broadly drafted parameters of the measures. Because the animals the shelters take in are ferals, the shelters do not have data relating to the animal’s birth date, breed, illness or disease history, or prior ownership. The shelters, therefore, will be unable to comply with the bill of rights as contemplated by the resolutions, and will be subject to penalties. This would have a tremendous chilling effect on the humane work performed by the no-kill animal shelters to the harmful detriment of the animals.

Imposing penalties for violations of the pet protection program unfairly penalizes breeders, animal shelters and individuals who care for cat colonies. Breeders are not the only ones who may be injurious to animals. Further, a “bill of rights” is not an appropriate document for the inclusion of penalties. In light of the animal cruelty laws in existence, additional penalties are redundant and only lead to confusion within the law.

For the reasons stated above, I ask that HCR 221 and HR 190 be held.

Thank you for the opportunity to provide testimony on these measures.

Monday, March 30, 2009

2:15 p.m.

Conference Room 325

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TO: Chair Herkes

Vice Chair Wakai

RE: HCR 221/HR 190

Testimony in Opposition

TESTIFYER: Claire teGroen

Affiliate Clubs of the Cat Fanciers' Association, Inc.

Chair Herkes, Vice Chair Wakai and members of the Committee:

My name is Claire teGroen and I am a licensed Master Clerk with the Cat Fanciers' Association, the largest registry of purebred cats in America. I have held that license for over twenty-five years. It has been my privilege to serve as Master Clerk at all of the CFA shows held in Hawaii during that time. I have exhibited purebred cats at Hawaii's shows during those years as well. I speak as a purchaser of several purebred cats during the forty years I've lived in Hawaii. All those purebred cats have been purchased from recognized CFA breeders and have been raised in the best conditions. Their health has been excellent throughout their lives and they have brought only love into my home. It is very upsetting to me that this legislation could mean that I might not have the choice to purchase a purebred cat from a reputable breeder in Hawaii. Although this legislation may be meant to help pets and their owners, it targets breeders incorrectly and unfairly.

HCR 221 and HR 190 request that the Department of Commerce and Consumer Affairs, Board of Veterinary Examiners and the Hawaiian humane Society implement a comprehensive pet protection program and dogs and cats. As part of the pet protection program, the measures seek inclusion of elements that would 1) require a pet dealer to refund the purchase price or pay medical expenses to a customer who obtains a written certification from a licensed veterinarian, within fifteen days of purchase that the animal is ill or, within one year of the date of purchase, that the animal has a fatal or life threatening disease; and 2) providing penalties and remedies for violations of the pet protection program.

While the intent of the resolutions is laudable, we oppose both measures as they unfairly target breeders and provide no protection to breeders against consumers who may be unscrupulous. Every animal that I place is examined by a licensed veterinarian prior to leaving me. All pet owners are provided with written instructions on care and feeding requirements, written instructions regarding spay/neuter requirements and information, as well as a written health chart which details the animal's medical history, including vaccinations. Pet owners are also advised that they have three (3) days within which to have the animal examined by a veterinarian of their choice, and if there are any health issues, the animal may be returned to me. Requiring a breeder to refund the cost of the animal or pay for medical expenses after fourteen (14) days or one (1) year is unreasonable, as we have no control over how the animal is treated and housed once they leave us. Additionally, in accepting an animal back from a consumer, breeders must bear the expense of taking the animal to their vets to be treated for

parasites, worms, and viruses to make sure that the other animals in the cattery or kennel will not be harmed or infected.

Secondly, imposing penalties for violations of the pet protection program unfairly penalizes breeders. The majority of breeders treat their animals like their own family pets. Breeders are not the only ones who may be injurious to animals. Further, a "bill of rights" is not an appropriate document for the inclusion of penalties. In light of the animal cruelty laws already in existence, additional penalties are redundant and only lead to confusion within the law.

For the reasons stated above, I ask that HCR 221 and HR 190 be held.

Thank you for the opportunity to provide testimony on these measures.

**TESTIMONY BEFORE THE HOUSE COMMITTEE
ON CONSUMER PROTECTION AND COMMERCE**

Date & Time: Monday, March 30, 2009 at 2:15 p.m.

Place: Conference Room 325

RE: HCR 221/HR 190
Testimony in Opposition

Witness: Michiro Iwanaga

Chairman Herkes, Vice Chairman Wakai, and members of the
Committee:

My name is Michiro Iwanaga. Since 1993, I have owned Shetland sheepdogs, also known as “shelties” and also often mistakenly identified as miniature collies. I am the Vice-President of the Shetland Sheepdog Club of Hawaii, which is recognized by the American Kennel Club (AKC”) and the American Shetland Sheepdog Association (“ASSA”). I serve on the Board of Directors of the Obedience Training Club of Hawaii—an AKC-sanctioned obedience club with over 400 members—, and am a member of the West Oahu Kennel Club—one of three AKC-recognized all-breed clubs on Oahu. I exhibit shelties in conformation shows—competition where the goal is the selection of breeding stock that conform to the AKC- and ASSA-recognized breed standard for shelties. I also breed shelties. So I am one of a group often referred to as “exhibitor/breeders,” whose activities in the pet market will be detailed later in this testimony. Finally, I am also an attorney who has been practicing law here in Hawaii for the last thirty-one years.

This Committee should hold House Concurrent Resolution 211 and House Resolution 190 and not pass it out onto the floor of the House of Representatives.

No well meaning person would disagree with the lofty goals reflected in the recitals of these resolutions. These resolutions are filled with loaded words like “profit” and with images of helpless puppies and kittens suffering in squalor or illness. Despite those appeals to emotion, I respectfully submit that every legislator undertook the responsibility to act cautiously and to implement legislative measures only upon ample investigation, upon lawful notice and hearings open to all persons affected by the measures, and upon due and thoughtful deliberation.

House Concurrent Resolution 221 and House Resolution 190 are objectionable in many respects. These resolutions call upon your Committee and the House of Representatives to direct the Department of Commerce and Consumer Affairs to implement a “comprehensive pet protection program.” Nevertheless, these are mere resolutions and do not provide the requisite, lawfully enacted statutory framework upon which to promulgate regulations in conformity with the Administrative Procedure Act, Chapter 91 of the Hawaii Revised Statutes. These resolutions instead set forth a mere handful of stop gap measures that have been scavenged out House Bill 1842—a handful of measures that can hardly be called “comprehensive.” In a futile effort to cure this shortcoming, these resolutions would have your Committee and the

House of Representatives embrace House Bill 1842 as a model for the comprehensive pet protection program in question. In doing so, however, these resolutions have placed the “cart before the horse”: these resolutions ask this Committee and the House of Representatives to embrace the notion of a comprehensive pet protection program as embodied in House Bill 1842, while dispensing with established procedural and Constitutional safeguards, such as committee hearings on House Bill 1842 itself, the passage of that bill by both houses of our legislature, and the signature of the Governor.

Undoubtedly, the proponents of House Concurrent Resolution 221 and House Resolution 190 are motivated by the best of intentions—the protection of some of our closest and most devoted companions, friends, and sometime servants, namely our beloved pets. Nonetheless, these resolutions, if passed, would simply serve as an expedient vehicle for attempts to bootstrap House Bill 1842 into law next year. These resolutions, if passed, will be cited in an effort to convince this Committee and the Legislature to overlook the substantial shortcomings of House Bill 1842.

The specific measures described in these resolutions are directed to “pet dealers”—an undefined term. I believe that other witnesses will be stepping forward to address the shortcomings in these measures. In contrast, however, let me address a different, serious, shortcoming in House Bill 1842 itself, inasmuch as the resolutions hold

out that bill as the model for the desired comprehensive pet protection program.

By way of incorporation by reference, the resolutions in essence promote the provisions of House Bill 1842 that would regulate “pet breeders,” in addition to pet dealers. These provisions would impose upon pet breeders many of the same obligations and liabilities that are imposed on pet dealers (such as pet shops and pet centers). Moreover, they do so without distinguishing between exhibitor/breeders and “back yard breeders.” The net result is that this so-called comprehensive pet protection program undermines its own purposes, namely the purposes of providing a flow of healthy, well-adjusted animals under circumstances that promote the welfare of our pet population.

Let me digress a moment to explain the role of exhibitor/breeders in the pet market. Exhibitor/breeders are an important source of healthy, high quality pets. We, the exhibitor/breeders in Hawaii, spend a lot of time and money in an effort to breed dogs or cats that will win recognition in competition in our breed specialty and all breed shows. We do our best to avoid genetic disorders, to select and breed for good temperaments, to socialize our puppies or kittens beginning from the time they are just days old, to take in each litter promptly for veterinary examination and inoculation, and to raise our litters in clean and nurturing environments. We do so at great personal expense, both in time and in money. We must do no less if we

want to have any hope that our whelps will stand a reasonable chance of becoming champions. From personal knowledge, I can say that there is no monetary profit in this activity. A financial loss is the norm. Moreover, I dare say that puppies from exhibitor/breeders are normally not only closer to the AKC-recognized breed standard, but oftentimes less expensive, than store-bought puppies of the same breed. There are at least two reasons. First, the pricing element of impulse purchasing is not at work when a potential buyer must first decide that that he or she wants a particular breed, then look around among the many exhibitor/breeders of that breed, and then wait until the exhibitor/breeder has a litter of proper age. Second, exhibitor/breeders will not place their puppies in homes willy-nilly. Exhibitor/breeders are watchful for signs of a bad match between puppy and owner, for example, a puppy from a large, working breed going to live in a small urban apartment or a puppy that is being purchased as a surprise gift.

Exhibitor/breeders also take steps to ensure responsible pet ownership. It is quite common for exhibitor/breeders to use written contracts—contracts that often contain spay/neuter requirements (unless the animal is destined for competition), provisions for partial rebates of the purchase price if the owner and animal graduate from an introductory obedience class or once the spay/neuter requirement has been fulfilled. It is also quite common for these contracts to define a required level of care and nutrition. Exhibitor/breeders provide guidance

to their clients on issues of health, nutrition, and socialization. Some exhibitor/breeders even volunteer boarding services to vacationing clients or take responsibility for finding new homes for the animal when the client's circumstances have changed.

In short, exhibitor/breeders help supply the pet market with healthy animals both responsibly and at reasonable prices.

Exhibitor/breeders are an important means of achieving goals that include and in fact exceed the goals contemplated by House Bill 1842. Nevertheless, pet protection programs like that found in House Bill 1842 not only have a "chilling effect" on these beneficial activities of exhibitor/breeders, they outright discourage them. As one example, the legislation would give certain disgruntled buyers the right to receive a replacement puppy or kitten from the exhibitor/breeder. That replacement could easily end up to be the very puppy or kitten that the exhibitor/breeder decided to keep as his "pick" for competition purposes.¹ That pick was the reason for the exhibitor/breeder went through all the trouble to breed and produce that litter in the first place—a litter that brought about the betterment of the pet market. To avoid becoming a "pet breeder" within the meaning of the legislation² and to avoid losing the pick of the litter, exhibitor/breeders will simply cut

¹ There is some language in House Bill that tries to qualify the right to a replacement, but the language provides little assurance that a judge will fully understand and recognize and protect the interests of exhibitor/breeders.

² Pet breeders are defined in H.B. 1842 as persons breeding at least three litters or 20 offspring in any twelve months.

back on the scale of their breeding programs. The public will then suffer. Who then will pick up the slack? Unfortunately, it will be back yard breeders whose operations will be kept underground.

For these reasons, your Committee should should not release House Concurrent Resolution 221 or House Resolution 190 to the floor of the House of Representatives.

Thank you.

Monday, March 30, 2009

2:15 p.m.

Conference Room 325

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TO: Chair Herkes

Vice Chair Wakai

RE: HCR 221/HR 190

Testimony in Opposition

TESTIFYER: Charlee D. C. Abrams

President, Hawaiian Chinese Shar-Pei Club

Chair Herkes, Vice Chair Wakai and members of the Committee:

Aloha. My name is Charlee Abrams, and I am a Breeder. I am the President of the Hawaiian Chinese Shar-Pei Club, an affiliate club of the American Kennel Club, Inc., the largest registry of pure bred dogs in America. I also show and breed Chinese Shar-Pei dogs and have been for more than 20 years. I speak on behalf of members of the Hawaiian Chinese Shar-Pei Club. Our combined membership consists of over 80 breeders and exhibitors throughout Hawaii and the mainland.

HCR 221 and HR 190 request that the Department of Commerce and Consumer Affairs, Board of Veterinary Examiners and the Hawaiian humane Society implement a comprehensive pet protection program and dogs and cats. As part of the pet protection program, the measures seek inclusion of elements that would 1) require a pet dealer to refund the purchase price or pay medical expenses to a customer who obtains a written certification from a licensed veterinarian, within fifteen days of purchase that the animal is ill or, within one year of the date of purchase, that the animal has a fatal or life threatening disease; and 2) providing penalties and remedies for violations of the pet protection program.

While the intent of the resolutions is laudable, we oppose both measures as they unfairly target breeders and provide no protection to breeders against consumers who may be unscrupulous. Every animal that I place is guaranteed healthy. All pet owners are provided with written instructions on care and feeding requirements, written instructions regarding spay/neuter requirements and information, as well as a written health record which details the animal's medical history, including vaccinations. Pet owners are also advised that they have five (5) days within which to have the animal examined by a veterinarian of their choice, and if there are any health issues, the animal may be returned to me. Requiring a breeder to refund the cost of the animal or pay for medical expenses after fourteen (14) days or one (1) year is unreasonable and unfair, as we have no control over how the animal is treated and housed once they leave us.

Additionally, in accepting an animal back from a consumer, breeders must bear the expense of taking the animal to their vets to be treated for parasites, worms, and viruses to make sure that the other animals in the cattery or kennel will not be harmed or infected.

Secondly, imposing penalties for violations of the pet protection program unfairly penalizes breeders. The majority of breeders treat their animals like their own family pets. Breeders are not the only ones who may be injurious to animals. In my opinion a "bill of rights" is not an appropriate document for the inclusion of penalties. In light of the animal cruelty laws already in existence, additional penalties are redundant and only lead to confusion within the law.

For the reasons stated above, I ask that HCR 221 and HR 190 be held.

Thank you for the opportunity to provide testimony on these measures.

Sincerely,

Hawaiian Chinese Shar-Pei Club

Charlee D. C. Abrams

President

Sharon Sagayadoro

From: Natalie Playdon [playdonn001@hawaii.rr.com]
Sent: Saturday, March 28, 2009 10:36 AM
To: CPCtestimony
Subject: HCR 221 - HCR 190

Monday, March 30, 2009

2:15 p.m.

Conference Room 325

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TO: Chair Herkes

Vice Chair Wakai

RE: HCR 221/HR 190

Testimony in Opposition

TESTIFYER: Natalie Playdon

Breeder

Chair Herkes, Vice Chair Wakai and members of the Committee:

My name is Natalie Playdon. I show and breed Persian cats, and have been for more than 15 years. I work closely with the Aloha Cat Fanciers, Sepulveda Cat Club and the Hawaii Hula Cats whose combined membership consists of nearly fifty (50) breeders and exhibitors throughout Hawaii and the mainland.

HCR 221 and HR 190 request that the Department of Commerce and Consumer Affairs, Board of Veterinary Examiners and the Hawaiian humane Society implement a comprehensive pet protection program and dogs and cats. As part of the pet protection program, the measures seek inclusion of elements that would 1) require a pet dealer to refund the purchase price or pay medical expenses to a customer who obtains a written certification from a licensed veterinarian, within fifteen days of purchase that the animal is ill or, within one year of the date of purchase, that the animal has a fatal or life threatening disease; and 2) providing penalties and remedies for violations of the pet protection program.

While the intent of the resolutions is laudable, we oppose both measures as they unfairly target breeders and provide no protection to breeders against consumers who may be unscrupulous. All pet owners are provided with written instructions on care and feeding requirements, written instructions regarding spay/neuter requirements and information, as well as written documentation regarding vaccinations. Pet owners are also advised that they have three (3) days within which to have the animal examined by a veterinarian of their choice, and if there are any health issues, the animal may be returned with a full refund. Requiring a breeder to refund the cost of the animal or pay for medical expenses after fourteen (14) days or one (1) year is unreasonable, as we have no control over how the animal is treated and housed once they leave us. Additionally, in accepting an animal back from a consumer, breeders must bear the expense of taking the animal to their vet to be treated for parasites, worms, and viruses to make sure that the other animals in the cattery or kennel will not be harmed or infected.

Secondly, imposing penalties for violations of the pet protection program unfairly penalizes breeders. The majority of breeders treat their animals like their own family pets. Breeders are not the only ones who may be injurious to animals. Further, a “bill of rights” is not an appropriate document for the inclusion of penalties. In light of the animal cruelty laws already in existence, additional penalties are redundant and only lead to confusion within the law.

For the reasons stated above, I ask that HCR 221 and HR 190 be held.

Thank you for the opportunity to provide testimony on these measures.

Sharon Sagayadoro

From: m a r i l e t [marilet@lava.net]
Sent: Saturday, March 28, 2009 10:30 AM
To: CPCtestimony
Subject: Support of S.B. No. 420, S.D.2, H.D.1, Relating to Naturopathic Medicine

Marilet A. Zablan
Post Office Box 981
Honolulu, Hawai'i 96808

March 28, 2009

To: The Hawaii House of Representatives Committee on Consumer Protection and Commerce, Twenty-Fifth Legislature, Regular Session of 2009

RE: Support of S.B. No. 420, S.D.2, H.D.1, Relating to Naturopathic Medicine Committee on Consumer Protection and Commerce Hearing Scheduled for Monday, March 30, 2009, at 2:15 p.m., Room 325

Dear Representative Robert N. Herkes, Chair, Representative Glenn Wakai, Vice Chair, and other distinguished Members of the House Committee on Consumer Protection and Commerce:

As a Hawai'i resident and local consumer of naturopathic medicine and services, I am writing to very strongly urge your support of S.B. No.

420, S.D.2, H.D.1 relating to naturopathic medicine. I have seen Dr.

Laurie Steelsmith for naturopathic medical care, and as a result I have significantly improved my health.

Naturopathic physicians have extensive training at naturopathic medical schools, and they are by far the most highly trained preventive medicine experts. They are licensed in Hawaii as primary care physicians, and fully trained to diagnose and treat disease. However, in Hawaii they cannot yet practice according to the full scope of their medical training. Many other states have passed measures that allow naturopathic physicians a much broader scope of practice than they currently have in Hawaii. I've written to Hawaii legislators twice already about the need to support and pass this bill.

In keeping with President Obama's administration's aims to cut health care costs by promoting preventive medicine, it is high time to give Dr.

Steelsmith and other naturopathic doctors in Hawaii greater ability to practice preventive medicine according to their training. S.B. No.

420, S.D.2, H.D.1 will give Hawaii's naturopathic doctors a greater scope of practice and enable them to more effectively serve the people of our State.

With the current state of the economy there is a shortage of good primary care physicians in Hawaii, many physicians are leaving the State, and it is often difficult for patients to receive even basic medical care. In order for our state to attract more top-quality naturopathic physicians, it is time to modernize Hawaii's naturopathic law, which has not been revised in more than 20 years. As general practitioners, naturopathic physicians are an invaluable part of our health care system. They are uniquely qualified to promote a healthier Hawaii while decreasing the long-term financial burden of health care costs. By allowing Dr. Steelsmith and other naturopathic physicians to practice according to their training, S.B. No. 420, S.D.2, H.D.1 will greatly improve the quality of health care available in Hawaii.

There is absolutely no reason to stop this bill. Closing off, or unnecessarily limiting, healthcare options makes no sense whatsoever.

Part of Hawaii's allure is its diversity in all things, and that should include healthcare options. The State of Hawai'i tries to pride itself on valuing nature and a mindful, nature-based perspective in all things. Let's see some forward-thinking leadership in the passage of this bill.

Thank you for your consideration. I look forward to hearing of the passing of S.B. No. 420, S.D.2, H.D.1.

Sincerely,

Marilet A. Zablan
Post Office Box 981
Honolulu, Hawaii 96808

Sharon Sagayadoro

From: Cynthia S. Nakamura [CSN@hawaii.rr.com]
Sent: Saturday, March 28, 2009 5:59 PM
To: CPCtestimony
Subject: HCR 221/HR 190 - Testimony in Opposition

Monday, March 30, 2009

2:15 p.m.

Conference Room 325

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TO: Chair Herkes

Vice Chair Wakai

RE: HCR 221/HR 190

Testimony in Opposition

TESTIFYER: Cynthia S. Nakamura

Affiliate Clubs of the Cat Fanciers' Association, Inc.

Chair Herkes, Vice Chair Wakai and members of the Committee:

My name is Cynthia Nakamura. I am the secretary/treasurer of the Sepulveda Cat Club, an affiliate club of the Cat Fanciers' Association, Inc., the largest registry of pure bred cats in America. I also show and breed Persian and Exotic cats, and have been for nearly seventeen (17) years. I speak on behalf of members of the Sepulveda Cat Club, Aloha Cat Fanciers and the Hawaii Hula Cats. Our combined membership consists of nearly fifty (50) breeders and exhibitors throughout Hawaii and the mainland.

HCR 221 and HR 190 request that the Department of Commerce and Consumer Affairs, Board of Veterinary Examiners and the Hawaiian Humane Society implement a comprehensive pet protection program for dogs and cats. As part of the pet protection program, the measures seek inclusion of elements that would 1) require a pet dealer to refund the purchase price or pay medical expenses to a customer who obtains a written certification from a licensed veterinarian, within fifteen days of purchase that the animal is ill or, within one year of the date of purchase, that the animal has a fatal or life threatening disease; and 2) provide penalties and remedies for violations of the pet protection program.

While the intent of the resolutions is commendable, we oppose both measures as they unfairly target breeders and provide no protection to breeders against consumers who may be unscrupulous. Every animal that I place is examined by a licensed veterinarian prior to leaving me. All pet owners are provided with written instructions on care and feeding requirements, written instructions regarding spay/neuter requirements and information, as well as a written health chart which details the animal's medical history, including vaccinations. Pet owners are also advised that they have three (3) days within which to have the animal examined by a veterinarian of their choice, and if there are any health issues, the animal may be returned to me. Requiring a breeder to refund the cost of the animal or pay for medical expenses after fourteen (14) days or one (1) year is unreasonable, as we have no control over how the animal is treated and housed once they leave us.

Additionally, in accepting an animal back from a consumer, breeders must bear the expense of taking the animal to their vets to be treated for parasites, worms, and viruses to make sure that the other animals in the cattery will not be harmed or infected.

There are a number of no-kill animal shelters on Oahu that take in feral and stray cats and dogs. These shelters also are successful in finding good homes for those animals. Since HCR 221 and HR 190 contain no definitions of “breeder” and “pet dealer”, the shelters will fall within the broadly drafted parameters of the measures. Because the animals the shelters take in are ferals, the shelters do not have data relating to the animal’s birth date, breed, illness or disease history, or prior ownership. The shelters, therefore, will be unable to comply with the bill of rights as contemplated by the resolutions, and will be subject to penalties. This would have a tremendous chilling effect on the humane work performed by the no-kill animal shelters to the harmful detriment of the animals.

Imposing penalties for violations of the pet protection program unfairly penalizes breeders. The majority of breeders treat their animals like their own family pets. Breeders are not the only ones who may be injurious to animals. Further, a “bill of rights” is not an appropriate document for the inclusion of penalties. In light of the animal cruelty laws in existence, additional penalties are redundant and only lead to confusion within the law.

For the reasons stated above, I ask that HCR 221 and HR 190 be held.

Thank you for the opportunity to provide testimony on these measures.

Sharon Sagayadoro

From: Joel Fischer [jfischer@hawaii.edu]
Sent: Saturday, March 28, 2009 3:37 PM
To: CPCtestimony
Subject: HCR221:CPC;3/30/09;2:15PM;Rm325

Importance: High

HCR221,HR190, Requesting ...For Dogs and Cats
CPC: Chair, Rep Herkes

IN STRONG SUPPORT OF THIS RESO!

Thank you so much for hearing this reso. I feel indebted to the introducer because it addresses so many points about providing care for our beloved pets. It is shameful that we need a reso like this because most of the points seem self-evident. But need it we do because of the huge amount of animal abuse that we see all the time in the community.

Thank you again for this committee's support.

Aloha, joel

Dr. Joel Fischer, ACSW
Professor
University of Hawai'i, School of Social Work
Henke Hall
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."
Dr. Martin Luther King, Jr.

"Never, never, never quit."
Winston Churchill

Sharon Sagayadoro

From: Cathy Goeggel [selkie@hawaii.rr.com]
Sent: Sunday, March 29, 2009 7:50 AM
To: CPCtestimony
Subject: Testimony for CPC hearing: Mon. 03/30/09

Room 325
2:15 pm

Re: HCR 221

Animal Rights Hawai'i supports this resolution, suggesting that other members of the animal protection community besides the Hawaiian Humane Society be invited to participate.

ARH would like to be included in this resolution. We have long expressed concern with unregulated breeding and selling of companion animals, not only because of the animal welfare aspects, but because there is no accounting for the monies that change hands and excise taxes may not be being paid.

Mahalo,

Cathy Goeggel
President
Animal Rights Hawai'i