



Office of the Public Defender State of Hawaii

Timothy Ho, Chief Deputy Public Defender
Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary



March 17, 2009, 2:00 p.m.

RE: S.B. 1222, SD1: RELATING TO THE HUMANE TREATMENT OF PET ANIMALS

Chair Karamatsu and Members of the Committee:

This measure combines S.B. 488, S.B. 1188 and S.B. 1222 into one bill that would amend §711-1109, Hawaii Revised Statutes. New subsections would be created prohibiting depriving a pet animal of necessary sustenance, confining a pet animal in a kennel or cage in an inhumane manner and dog tethering. The amount of animals in the animal hoarding statute (§711-1109.6) would be reduced from twenty to fifteen.

The Office of the Public Defender opposes S.B. 1222, SD1. The new provisions proposed in Section 1 of this measure are vague, and do not rise to the same level of culpability as the acts which are currently proscribed in §711-1109. We also believe that Section 2 of this measure targets specific homeless individuals who 711-1109.

The first change recommended by this measure is to remove the language, "or deprives a pet animal of necessary sustenance or causes such deprivation" from subsection (a) and inserting it as subsection (b). We ask that this measure be amended to restore the original language of §711-1109(a). The phrase "or deprives a pet animal of necessary sustenance or causes such deprivation" modifies the specific acts which are prohibited in subsection (a). Depriving a pet animal of necessary sustenance does not carry the same level of culpability as torturing, tormenting, beating, or starving a pet animal. We have the same concerns about proposed subsection (f) and (g). Many pet owners place their animals in cages or kennels when they leave them home alone. This prevents their pets from damaging their homes and/or the contents therein. The determination of what constitutes cruel or inhumane and an unreasonable amount time is not specified. The language is vague and does not provide notice to a pet owner as to exactly how much time is unreasonable.

A pet owner may have legitimate reasons to tether or chain their pets in a safe and humane manner. Many homeowners, particularly those who live on the neighbor islands, do not have yards that enclosed by fences or other such structures. Some dogs are able to jump over the fences or walls that enclose their homes. If these animals are not chained or tethered, they will be free to

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roam the streets, creating a potentially dangerous situation. Recently, there have been cases reported in the news media about people being bitten by dogs that had somehow been able to free themselves from their enclosures. A homeowner may have to resort to tethering his or her dog in order to prevent it from harming other people or animals. A homeowner may need to restrain their dog for the duration of repair work that is being done on their home. Subsection (f) does not allow a pet owner to tether their dog for any amount of time, or for any reason.

We oppose the reduction in the animal hoarding statute from twenty (20) dogs and/or cats to fifteen (15). There are many individuals, such as hunters, who possess more than ten dogs or cats and are not "animal hoarders." Twenty dogs or cats are a more appropriate number for a definition of animal hoarding.

Section 711-1109, Animal Cruelty in the Second Degree proscribes the intentional, knowing or reckless causation of substantial bodily injury or starvation of any animal. The causation of substantial bodily injury or starvation of a single animal is prohibited under the current animal cruelty laws. The offense of animal hoarding which requires a minimum of fifteen animals would be harder to prove than animal cruelty.

We oppose S.B. 1222, SD1. Thank you for the opportunity to comment on this bill.

From: Kawehi Yim [kyim@hawaiianhumane.org]
Sent: Monday, March 16, 2009 1:09 PM
To: JUDtestimony
Subject: SB1222 S.D.1



Kawehi Yim, Community Relations Director
Hawaiian Humane Society

TO: Committee on Judiciary
DATE: Tuesday, March 17, 2009, 2:00 p.m.
RE: SB1222 S.D.1 -- Relating to the humane treatment of pet animals

Position: Support the intent of SB1222 S.D.1, with concerns

The Hawaiian Humane Society supports the intent of SB1222 S.D.1, however we have grave concerns regarding the language of the bill as it relates to pet confinement and the recommended method of humanely tethering an animal.

We are in support of getting all dogs off chains, however we feel that in order to fully address the concerns of the whole community we are recommending that the Legislature convene a task force of representatives from all counties to discuss the needs of the community and develop language that truly will improve the welfare of the animals.

We fully support the prohibition of the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object, and feel that this is something that is enforceable and one that the community can easily comply with.

We do not believe that by prohibiting the use of chains as a means of tethering a dog to a stationary object that this will improve the welfare of the animal. In fact, we believe that this prohibition will most likely lead to the increased use of other means of restraining a dog with ropes and/or nylon chords, which have shown to be just as dangerous to a dog as a chain.

When this bill was first introduced, we asked that the legislature call for the convening of a task force of representatives from all counties and interested stakeholders to fully address the issue at hand and work to develop language that will truly help to improve the welfare of all animals. The Hawaiian Humane Society, along with the other Hawaii humane societies, believes in the importance of this task force and strongly encourage this legislative body to give full consideration to this recommendation. The confinement of pet animals is a complex issue and one that deserves to be discussed at all levels, including the ability of the county animal management contractor to enforce this legislation.

The language specifically dealing with the inhumane confinement of pet animals is vague and does little to protect the animal. The current felony animal cruelty law has language in place to deal with the

inhumane manner in which a pet animal is confined and we do not believe that the language contained in this bill will do anything to improve the conditions and/or welfare of the animal.

We ask the Committee on Judiciary to give serious consideration to the recommendation to convene a task force, and ask for your support on prohibiting the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object. It is important for all interested parties to understand and discuss what the needs of the community are before implementing laws that may be unenforceable and will have little impact on improving the health and welfare of Hawaii's pet animals.

Sincerely,
Kawehi Yim

Kawehi Yim
Community Relations Director
Hawaiian Humane Society
2700 Waiialae Avenue
Honolulu, HI 96826

Phone: 808.356.2212

E-Mail: kyim@hawaiianhumane.org

When it comes to giving, go local. On Oahu, Hawaiian Humane Society is the only animal welfare organization that shelters, rescues, adopts and welcomes all animals – all day and every day. 100% of your gift stays in the islands for the benefit of Hawaii's animals and people.

www.hawaiianhumane.org

karamatsu3-Leanne

From: Jocelyn Bouchard [jbouchard@mauihumanesociety.org]
Sent: Monday, March 16, 2009 3:07 PM
To: JUDtestimony
Subject: SB1222 S.D.1

Aloha House Judiciary Committee Members;

Thank you for allowing us to offer our testimony. The Maui Humane Society is in support of the intent of SB1222 S.D.1 with the following concerns:

- We support the intent of SB1222 S.D.1 and believe that all dogs should be off any form of tethering that restricts and potentially endangers their life.
- We support the prohibition of the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object.
- We do not support the language dealing with the confinement of pets as it is vague and does little to protect the animal. The current felony animal cruelty law has language in place to specifically deal with the inhumane manner in which a pet animal is confined and we do not believe that this law will do anything to improve the welfare of the animals and will instead create problems for our officers when trying to enforce issues under this language as it is currently written.

Additionally, we do not believe that by prohibiting the use of chains to restrain a dog that this will improve the welfare of the animal. In fact, we believe that this prohibition will most likely lead to the increased use of other means of tethering with ropes and/or nylon which have shown to be just as dangerous to a dog as a chain.

All four Hawaii humane societies recommend that this legislative body convene a task force with stakeholders and representatives from all counties to fully address the needs of the entire community and develop language that will truly help to improve the welfare of all dogs.

Thank you for your consideration of our testimony

Jocelyn

Jocelyn Bouchard, CAWA
Chief Executive Officer
Maui Humane Society
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MAUI HUMANE SOCIETY'S

2009

FURBALL

Cleocatra: QUEEN OF THE NILE
...where all cats are revered



karamatsu3-Leanne

From: Rosita Sipirok-Siregar [RSipirok-Siregar@ahldesign.com]
Sent: Monday, March 16, 2009 3:58 PM
To: JUDtestimony
Subject: testing

Aloha:

Please include my testimony in supporting the intent of bill SB1222 S.D.1 and believe that all dogs should be off any form of tethering that restricts and potentially endangers their life;

- I support the prohibition of the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object.
- I do not believe that by prohibiting the use of chains to restrain a dog that this will improve the welfare of the animal. In fact, I believe that this prohibition will not likely lead to the increased use of other means of tethering with ropes and/or nylon which have shown to be just as dangerous to a dog as a chain.
- I recommend that this legislative body convene a task force with stakeholders and representatives from all counties to fully address the needs of the entire community and develop language that will truly help to improve the welfare of all dogs.
- The language dealing with the confinement of pets is vague and does little to protect the animal. The current felony animal cruelty law has language in place to specifically deal with the inhumane manner in which a pet animal is confined and we do not believe that this law will do anything to improve the welfare of the animals.

I would like to recommend to convene a task force so that all stakeholders can come to the table to discuss this issue and develop language that will help all animals.

We appreciate your support.

Thank you.

Rosita Sipirok-Siregar, CSI, CDT
Construction Administration
Architects Hawaii Ltd
ASB Tower, Suite 200
1001 Bishop Street
Honolulu, Hawaii 96813
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email: rsipirok@ahldesign.com

This message is intended solely for the recipient identified above and should not be opened, read or utilized by any other party. This message is intended as above and shall not be construed as official project information or direction except as expressly provided in the contract documents.

karamatsu3-Leanne

From: Loriann Gordon [lgla@lava.net]
Sent: Monday, March 16, 2009 11:15 AM
To: JUDtestimony
Subject: SB1222 S.D1

Dear Messrs.,

It pains me that Hawaii is so behind the times in regards to humane treatment of animals. I support SB 1222 S.D.1 as a step towards helping our society become gentler and more benevolent. I also believe that all animals are deserving of respect and kindness. I support the following:

- I support the intent of SB1222 S.D.1 and believe that all dogs should be off any form of tethering that restricts and potentially endangers their life;
- I support the prohibition of the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object.
- I do not believe that by prohibiting the use of chains to restrain a dog that this will improve the welfare of the animal. In fact, we believe that this prohibition will not likely lead to the increased use of other means of tethering with ropes and/or nylon which have shown to be just as dangerous to a dog as a chain.
- The Hawaii humane societies recommend that this legislative body convene a task force with stakeholders and representatives from all counties to fully address the needs of the entire community and develop language that will truly help to improve the welfare of all dogs.
- The language dealing with the confinement of pets is vague and does little to protect the animal. The current felony animal cruelty law has language in place to specifically deal with the inhumane manner in which a pet animal is confined and we do not believe that this law will do anything to improve the welfare of the animals

*Sincerely,
Loriann Gordon*

*Loriann Gordon
Landscape Architect
56 Wainuenue Ave., Ste. 210
Hilo, Hawaii 96720
P: (808) 934-7363
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lgla@lava.net*

karamatsu3-Leanne

From: Becky Rhoades [drbecky@kauaihumane.org]
Sent: Tuesday, March 17, 2009 8:27 AM
To: JUDtestimony
Subject: SB 1222, SD1 Relating to the humane treatment of pet animals

NOTICE OF HEARING

DATE: Tuesday, March 17, 2009
TIME: 2:00 p.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

March 17, 2009

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

RE: SB 1222, SD1 Relating to the humane treatment of pet animals

Dear Chair Karamatsu and Members of the Committee:

Thank you for the opportunity to testify in support of the intent of SB 1222, SD1. We are in support of measures to prohibit the constant tethering of a dog with a chain, choke, pinch or prong collar to a stationary object because of the obvious threat of injury to the dog. However, we do not support the prohibition of using a chain as a form of a tether to secure a dog on someone's property at this time due to the lack of definition on the type of chain used. The prohibition of using a chain may cause more harm than good with dogs getting injured from wire, nylon or rope tethers or worse yet, escaping and causing more risk to themselves or others. We believe the intent of this law is to promote the humane keeping of dogs which we support but more work needs to be done to better define what this is.

Here in Hawaii, many dogs are kept on tethers, in cages and in kennels. Other pets such as birds, cats and rabbits may be tethered or caged as well as a means of humanely housing them by their owner. Each pet species has it's unique requirements for humanely housing them. Currently, we successfully apply our state animal cruelty law when investigating reports of a pet not being cared for humanely.

The Kauai Humane Society along with other Hawaii humane societies, recommend that this legislative body convene a task force with stakeholders and representatives from all counties to fully address the needs of the entire community and develop language that will truly help to improve the welfare of dogs and other pet animals.

I would be happy to assist with this task force.

Sincerely,

Rebecca Rhoades, DVM

Executive Director
Kauai Humane Society
PO Box 3330
Lihue, Hawaii 96766
Phone: (808) 632-0610 x 106

Dr. Becky Rhoades, Executive Director
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House Committee on Judiciary
Honorable Chair Jon Riki Karamatsu, Vice-Chair Ken Ito
March 17, 2009

2:00pm

Submitted by: Inga Gibson, Hawaii State Director
The Humane Society of the United States
In Support of S.B. 1222 SD1, with amendments;
Relating to the Humane Treatment of Pet Animals

Dear Honorable Chair Karamatsu,

On behalf of our 47,704 members and supporters of The Humane Society of the United States in Hawaii, I would like to thank you for this opportunity to speak in favor of S.B. 1222 SD 1, with pending amendments.

The introduction of this measure could not be more timely. More than 100 ordinances across 30 states have recently been enacted to prohibit certain types of dog chaining. In addition, local media has recently reported a number of dog bites and an earlier proposal to prohibit certain breeds of dog (see below Star-Bulletin article). The most effective, efficient and affordable way to reduce dog bites is to prohibit the inhumane practice of chaining, coupled with strong dangerous dog and anti-dogfighting laws.

Thousands of pet animals are kept chained or confined in inhumane conditions across Hawaii. Current anti-cruelty statutes do not adequately address the humane keeping of pet animals or provide animal control or law enforcement with the tools they need to prevent such cruel confinement.

Tethering Causes Aggression - a Threat to Public Safety

The practice of chaining or tethering leads to aggression in dogs—even in dogs who start out friendly and docile. Continuously tethered dogs become lonely, bored, territorial, and aggressive. Like many animals, dogs react to perceived threats with a “fight or flight” response. Because tethered dogs do not have a “flight” option, they are more likely to respond aggressively to perceived threats—whether it’s another animal or an unlucky child who happens to enter their territory.

Chaining is a known risk factor for dog bites. Health and Public Safety professionals have long recognized a connection between chained dogs and dog bites. For example, in a 1994 edition of the journal *Pediatrics*, researchers found that chained dogs are nearly three (2.8) times more likely to bite than unchained dogs and over five (5.4) times more likely to bite children than unchained dogs.¹

Numerous attacks on people by tethered dogs have been documented. For example, a study published in 1985 in *Public Health Reports* showed that half of the dogs involved in severe attacks on humans were chained during the attack or broke free from their chains to attack.² Tragically, the victims of such attacks are often children.

The United States Department of Agriculture and American Veterinary Medical Association also note the negative effects of chained dogs:

¹ K.A. Gershman, Jeffrey J. Sacks, and J.C. Wright, “Which dogs bite? A case-control study of risk factors,” *Pediatrics* 93 (1994), 913-917.

² John C. Wright, PhD, “Severe Attacks by Dogs: Characteristics of the Dogs, the Victims, and the Attack Settings,” *Public Health Reports* Vol. 100, No. 1 (January-February 1985), <http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1424716>.

USDA – United States Department of Agriculture

From the Federal Register Vol. 1, No. 68 (July 2, 1996): “Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts the dog’s movement. A tether can also become tangled around or hooked on the dog’s shelter structure or other objects, further restricting the dog’s movement and potentially causing injury.”

AVMA – American Veterinary Medical Association

From press releases dated May 17, 2002 and May 5, 2003 for National Dog Bite Prevention Week: “Never tether or chain your dog because this can contribute to aggressive behavior.”

Scientific study

From the study *Which Dogs Bite? A Case Control Study of Risk Factors*: “Our finding that being chained in the yard may be a risk factor for biting is in agreement with prior studies which have demonstrated that chained dogs account for a substantial portion of serious and fatal bites.”

Tethering is Inhumane

Dogs are pack animals and are naturally social. Chained dogs live an isolated existence that is contrary to their own instincts. This lack of socialization is part of what makes chained dogs more dangerous. Chained dogs are at risk of getting hurt. Aside from the psychological harm endured by chained dogs, they are at risk from a number of other dangers. Weather conditions such as extreme heat or flooding can adversely affect a chained dog’s health. In addition, chained dogs cannot escape attacks from people or other animals.

It is not uncommon for chained dogs to strangle themselves if their tether gets tangled or caught on another object. In many cases, the necks of chained dogs become rubbed raw and covered with sores, the result of poorly fitted collars and the dogs’ constant yanking and straining in desperate attempts to escape confinement. Dogs have been found with collars embedded in their necks, the result of years of neglect at the end of a chain.

We are in support of the current language prohibiting the chaining, or use of chain or choke collars as a method of restraint, in addition to language creating a new offense of confining a pet animal in a cruel or inhumane manner. We also support the recommendations of the Senate Judiciary and Government Operations Committee, as noted in their Committee report, that a task force be convened to discuss a more comprehensive legislative proposal in 2010.

We respectfully request a deferral on decision-making until Tuesday, March 24, so that we may confer with the prosecutor’s office, law enforcement and additional stakeholders on suggested amendments to ensure that such language is acceptable and enforceable.

Please contact me at (808)922-9910 or igibson@humanesociety.org if I may provide additional information.

Star Bulletin

OUR OPINION

Lengthy tying up of any dog breed should be banned

POSTED: 01:30 a.m. HST, Feb 07, 2009

OWNERS of pit bull terriers are rallying with comfortable confidence against a Hawaii bill that would make ownership of their breed a misdemeanor. The bill has no visible support in the Legislature, and dog lovers would be more constructive in turning their exuberance toward a needed ban on the cruelty of tying up dogs of any breed for long periods.

The proposed pit-bull ban was introduced by Senate President Colleen Hanabusa on behalf of an anonymous constituent; Hanabusa is no proponent of it herself. Rallies in Hilo, Maui, Molokai and planned tomorrow at Magic Island oppose the prohibition, even though legislators are not likely to even hold a hearing on the nameless person's proposal.

Meanwhile, a Senate committee gave unanimous approval last week to a bill that would outlaw lengthy tethering of man's best friend, a cruelty that is common in backyards throughout the state. The bill would make it a misdemeanor to tie a dog by chain, rope or other attachment to a doghouse, tree, fence or any other stationery object for more than three hours during a 24-hour period. Use of a running line, pulley or trolley system is among the exceptions.

In 2006, California became the first state to enact such a law, with a three-hour limit, and more than 100 local governments have passed similar legislation in recent years. The legislation has received broad support, and those who testified before the Hawaii committee were unanimous in its favor.

The reasons are clear, as listed in testimony by the Humane Society of the United States:

>> Researchers reported in a 1994 edition of the journal *Pediatrics* that chained dogs are nearly three times more likely to bite than unchained dogs and more than five times more likely to bite children.

>> The U.S. Department of Agriculture concluded in 1996 that "continuous confinement of dogs by a tether is inhumane."

>> The American Veterinary Medical Association warned several years ago that people should "never tether or chain your dog because this can contribute to aggressive behavior."

The Hawaiian Humane Society expressed concern that such a three-hour threshold "makes it unenforceable" and recommended that the law specify when during the day a dog must be off-leash or ban chaining of dogs altogether.

However, Ambuja Rosen, an activist in Ashland, Ore., cited evidence that such a three-hour maximum in a 24-hour period is the most enforceable of laws dealing with tethering. The most severe violations — those involving around-the-clock tethering — are the ones most reported, are most inhumane and are easiest to prove.

http://www.starbulletin.com/editorials/20090207_Lengthy_tying_up_of_any_dog_breed_should_be_banned.html

From: denise saylors [denisesaylors@hawaii.rr.com]
Sent: Sunday, March 15, 2009 9:44 AM
To: Rep. Jon Karamatsu
Cc: hemmings2 - Barbara
Subject: Testimony, SB1222 SD1

Chair Rep. Karamatsu
House Judiciary Committee

SB1222 SD1

Tuesday, 3/17/09

House conference room 325

I am Denise Saylors, a resident of Oahu. I am not representing a group.

I am submitting testimony on SB1222 SD1.

I am in favor of SB1222 SD1.

COMMON INHUMANE CONDITIONS FORCED ONTO DOGS:

1. Dogs are kept on chains, or other types of tethers, their entire lives.
2. These chained up dogs are often stuck in the HOT SUN for most of the day, or left with a make-shift dog house, that in the heat becomes an oven.
3. The chains on these dogs often wrap around obstacles, preventing the dog from getting to food and water.
4. These dogs are often chained up on such short chains, or on chains that have become wrapped around obstacles, that the dogs cannot escape their urination and defecation.
5. Often, abusive dog owners who chain up their dogs only feed and water the dog when it's convenient for the owner.
6. Often, an owner will chain up their dog beginning at puppyhood, not bothering to increase the size of the collar or length of chain around the puppy's neck. As the puppy grows, the neck is constricted, cutting off the air supply for the puppy/dog. In one case that I know of, the wire cord tether grew into the dog's neck and by the time the dog was rescued, the dog had considerable neurological damage.
7. When emergencies occur, chained up dogs cannot escape the emergency. They are left to suffer and die. A common emergency is fire.
8. Often, dogs that are chained up, are already in fenced yard, making their conditions not only inhumane but unnecessary and illogical.
9. The same unspeakable, inhumane circumstances are found for dogs and cats that are kept in cages or kennels their entire lives.

REASON FOR LEGISLATION:

Such inhumanely treated dogs become unpredictable and dangerous around people, especially children.

This type of cruelty is so common and unquestioned, that children think that it is the appropriate way to treat a dog or cat. It becomes perpetuated for generations.

Often, those who abuse animals also abuse children, spouses and elders.

This is 2009 - in our society, we think of dogs and cats as our companions and part of our family. We must declare that chaining up (or caging) a dog or cat for more than three hours in a 24-hour period is cruel and abusive and will not be tolerated.

FUNDING FOR ENFORCEMENT:

Funding for this program could be based on fines. Anyone who chains their dog up or kennels/cages their dog or cat for more time than is allowed in the legislation would be fined. The fine should be significant, in order to prevent these types of inhumane treatment to animals, and to fund the program.

In addition to a fine, community service should be part of the punishment, e.g., they would have to volunteer 100 hours at an animal welfare organization.

FUNDING FOR A REWARD SYSTEM:

Implement a reward system, e.g., anyone reporting such animal cruelty and abuse, and it leads to an arrest, maybe conviction, receives \$200 reward. The reward money could come from donations from the private sector, e.g., private parties and businesses, especially businesses that are in the animal health business, e.g., Bayer and Purina. Some would undoubtedly be motivated by the welfare of the dog or cat and would decline the reward, thereby keeping the money in the reward coffers for other cases.

Mahalo and Aloha,

Denise M. Saylor
(808) 358-4328, cell
denisesaylorshawaii@hawaii.rr.com

karamatsu3-Leanne

From: Joel Fischer [jfischer@hawaii.edu]
Sent: Saturday, March 14, 2009 2:12 PM
To: JUDtestimony
Subject: SB1222;JUD;3/17/09;2PM;Rm325

Importance: High

SB1222, SD1, Relating to Humane Treatment of Animals
JUD; Chair, Rep Karamatsu

PLEASE PASS THIS BILL!

This bill ensures that our beloved pets have some minimal protections to ensure that they are treated with the kindness and caring that they deserve. It is appalling that we have had to wait until this year to enact such legislation. But I am very encouraged that this bill has made it this far and is now being heard in Judiciary.

Thank you to all the legislators involved in sponsoring, hearing and supporting this legislation. This bill is like a civil rights declaration for animals.

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

karamatsu3-Leanne

From: Pamela Davis [liberate@hawaii.rr.com]
Sent: Sunday, March 15, 2009 9:45 AM
To: JUDtestimony
Subject: Testimony in Support of SB1222, SD1

COMMITTEE ON JUDICIARY

TO: Rep. Jon Riki Karamatsu, Chair, and Members
House Committee on Judiciary

FROM: Pamela Davis, President
Animal Advocate Inc.

HEARING DATE: Tuesday, March 17, 2009

TIME: 2:00 p.m.

PLACE: Conference Room 325
State Capitol

TESTIMONY: IN SUPPORT, SB1222, SD1 (SSCR590) "RELATING TO THE HUMANE
TREATMENT OF PET ANIMALS."

Our organization, Animal Advocate Inc., conducted an in-depth investigation of the cruel confinement of cats, kittens, and other animals, leading to the introduction of SB1222. We have also produced a 16-minute documentary presenting our findings, which can be viewed on our website:

<http://www.animaladvocateinc.org/Videos.htm>

According to Standing Committee Report No. 590 of the Senate JGO Committee, "The Hawaiian Humane Society testified in opposition to this measure that current laws in place address 'issues as they relate to animals being kept in inhumane confinements, such as the animal cruelty law, where the basics of 'necessary sustenance are clearly and distinctly defined'." The Report also notes that, "This bill was introduced to address gaps in the law because, according to supporters, the response of the humane society to which complaints about this individual's treatment of animals were directed was, in effect, that 'they are unable to take action on the confinement of the cats because there is no law on the books; they will not act if an animal appears to be healthy; and they do not believe the existing statute allows them to confiscate the abused animals'."

In other words, the Hawaiian Humane Society (HHS) has known, for more than 10 years, that this situation has been going on, has received numerous citizen complaints and requests for investigation, yet has done nothing to help these animals. Why did the HHS not take the lead in having new legislation written to address cruel and inhumane confinement, if the HHS' position is that the existing law is not sufficient for enforcement? Why should it be up to ordinary citizens to conduct investigations, request government documents, produce videos to be shown on 'Olelo, and have proposed legislation drafted to address this issue? It is an intolerable situation.

Since its introduction, SB1222 (cruel and inhumane confinement) has been expanded, adding language prohibiting the tethering of a dog to a stationary object with a chain, choke, pinch, chain, or prong collar. Animal Advocate Inc. supports the intent of this portion of the Bill as well. In 2004, we produced a 3-minute public service announcement for 'Olelo

entitled "Chained Dogs," which explained why continuous chaining or tethering is wrong. Dogs are social animals, and constant chaining can lead to behavior problems, including aggressive behavior. Earlier that year, a toddler was killed by a chained dog on Kauai. People must be educated about the subject, but laws are necessary for those who fail to learn, or those who are intentionally cruel to animals.

Although SB1222 has since been expanded, and now includes provisions for animals in all parts of the State who are in need, we remain steadfast in our efforts to free the animals kept by the "Cat Lady of Honolulu," the subject of the bill as originally drafted.

Sincerely,

Pamela Davis
President, Animal Advocate Inc.

karamatsu3-Leanne

From: Elaine Johnson [ElaineJohnson@nerdshack.com]
Sent: Sunday, March 15, 2009 10:49 AM
To: JUDtestimony
Subject: SB 1222, SD1 (SSCR590) Relating to the Human Treatment of Animals

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Rep. Della Au Belatti

Rep. Rida Cabanilla

Rep. Mele Carroll

Rep. Robert N. Herkes

Rep. Sylvia Luke

Rep. Angus L.K. McKelvey

Rep. John M. Mizuno

Rep. Hermina M. Morita

Rep. Blake K. Oshiro

Rep. Joseph M. Souki

Rep. Clift Tsuji

Rep. Glenn Wakai

Rep. Barbara C. Marumoto

Rep. Cynthia Thielen

Dear Representative Karamatsu and Committee:

Please pass this very important bill. Hawaii has long awaited some legislation regarding the inhumane treatment of cruelly confine animals, an event that occurs routinely and widely across this state. I have lived in many neighborhoods here, from the nicest areas to strictly middle class and working class areas, and the practices of leaving animals alone all day on a short chain in the sun, and also leaving an animal crated all day on a balcony, among others, is rampant.

Not only is passing this the decent and humane thing to do, but in a time of reduced tourism, we do not want the visitors that we do get seeing us as a backward, third world type of place.

Thank you.

Elaine Johnson
Makiki

karamatsu3-Leanne

From: scott davis [scottdavis1983@hotmail.com]
Sent: Sunday, March 15, 2009 12:40 PM
To: JUDtestimony
Subject: *****SPAM***** Support of SB 1222, SD1 (SSCR590)

TO: Rep. Jon Riki Karamatsu, Chair, and Members
House Committee on Judiciary

FROM: Pamela Davis, President
Animal Advocate Inc.

HEARING DATE: Tuesday, March 17, 2009

TIME: 2:00 p.m.

PLACE: Conference Room 325
State Capitol

TESTIMONY: IN SUPPORT, SB1222, SD1 (SSCR590) "RELATING TO THE HUMANE TREATMENT OF PET ANIMALS."

My name is Scott Davis, a member of Animal Advocate, Inc. I am writing this letter in support of SB1222, SD1 (SSCR590), which was originally heard in front of the Judiciary and Government Operations Committee Friday, Feb. 13, 2009.

Since its introduction, SB1222 (cruel and inhumane confinement) has been expanded, adding language prohibiting the tethering of a dog to a stationary object with a chain, choke, pinch, chain, or prong collar. Animal Advocate Inc. supports the intent of this portion of the Bill as well. In 2004, we produced a 3-minute public service announcement for 'Olelo entitled "Chained Dogs," which explained why continuous chaining or tethering is wrong. Dogs are social animals, and constant chaining can lead to behavior problems, including aggressive behavior. Earlier that year, a toddler was killed by a chained dog on Kauai. People must be educated about the subject, but laws are necessary for those who fail to learn, or those who are intentionally cruel to animals.

I support this Bill because it will help prevent the miserable living conditions of animals hoarded by the "cat lady." It will allow the animals (cats, chickens, rabbits, and maybe more) to be free from living in their own urine and waste with as many as 19 other animals living in adjacent cages, traps or carts. It will give explicit permission for the Hawaiian Humane Society, which has received complaints for many years about this issue and refuses to confiscate the animals, to take direct action.

We are concerned the animals, especially cats, are not spayed or neutered. Unrestricted breeding has been allowed, furthering the nuisance to the public and raising an interesting point. We believe the Humane Society is taking the cats and kittens up for adoption, and has not confiscated any animals to date. About a week ago, the cat lady told Animal Advocate Inc. that her grey and white pregnant cat was going to have a litter of kittens "any day now." According to the Humane Society, it costs \$75 to adopt one of the cat lady's kittens, and the HHS gives the cat lady a \$25 finder's fee per cat. At the very least, we question the judgment of the HHS in not requiring these animals to be spayed or neutered. It is like a breeding factory.

We must strengthen the animal cruelty law so these animals can be helped. Instead of allowing them to be hoarded, confined and bred under the watch of a homeless person, the animals should be humanely spayed and neutered to prevent overpopulation. This would be possible for the Humane Society to do if this stronger, more clear law is approved.

I would also like to add that I participated in the making of Animal Advocate Inc.'s documentary, "The Failure of the Hawaiian Humane Society," which premiered on 'Olelo February 5, 2009, and was featured on the front page of the Honolulu Advertiser, Feb. 9, 2009. This law is the only way that inhumane public confinement of animals can be stopped on O'ahu. It will be a call to the Humane Society to do its job to prevent animal cruelty and will benefit the local community holistically. For the aforementioned reasons, I ask that you please vote in favor of SB1222, SD1 (SSCR590). Mahalo.

Sincerely,
Scott K. Davis

Windows Live™ Contacts: Organize your contact list. [Check it out.](#)

karamatsu3-Leanne

From: Helene Navaro [NavaroH001@hawaii.rr.com]
Sent: Sunday, March 15, 2009 2:15 PM
To: JUDtestimony
Cc: Ar-hi@waste.org
Subject: SB 1222, SD1 Humane Treatment of Pet Animals

Helene P. Navaro
P.O. Box 15265
Honolulu, HI 96830
808-291-6109
NavaroH001@hawaii.rr.com

March 15, 2009.

Judiciary Committee

Testimony: SB 1222, SD1
Humane Treatment of Pet Animals

Please be kind and compassionate towards animals in confinement in passing this Bill SB 1222, SD1. I personally have encountered the "Cat Lady" with her shopping carts and almost 20 cats & kittens in these carts and traps. The "Cat Lady" understood right away when I offered the \$10 for herself to use and some cat foods for the kittens that are crying as I approached the shopping carts. It is a site I will never forget and how our society would allow this. She has them in these shopping carts and traps 24/7. I went back to look for her the next day but she has moved to another location. Imagine 20 cats in 2 shopping carts and traps living one on top of the others. That is the honest truth what I have witnessed about 2 years ago. I am asking many people including Hawaii Humane Society but nothing any one can do about this. Better late than never, I am asking for your help in passing this bill so we can do something to help these innocent, animal victims.

We are blessed that we live in Hawaii, Our " Aloha" State. We should extent our "Aloha" to these animals and the message to our children shall be of a kind, loving and sharing one. As government officials, you are here to look after and protect us.

Please Pass this Bill SB 1222, SD1.

Thank you so very much for reading my testimony.

Mahalo Nui Loa,

Helene Navaro

From: nomi image [nomie_34@yahoo.com]
Sent: Sunday, March 15, 2009 7:33 PM
To: JUDtestimony
Subject: re: SB1222, SD1 (Humane Treatment of Pet Animals)

THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON JUDICIARY
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
and Members of the committee

NOTICE OF HEARING

DATE: Tuesday, March 17, 2009
TIME: 2:00 p.m.
PLACE: Conference Room 325
415 South Beretania Street
State Capitol

Dear Representatives:

I am writing in **SUPPORT** of SB1222, which, if passed, will prohibit the confinement of a pet animal in a kennel or cage in a cruel or inhumane manner or for an unreasonable period of time, prohibit the tethering of a dog to a stationary object with a chain, or choke, pinch, chain, or prong collar, and amends the law on animal hoarding. (SD1).

Unfortunately, I am unable to be here in person due to work.

I am in support of the passing of this bill because I truly feel that keeping several cats and other small animals confined to one crate 24/7 is cruel because they do not have enough space to move around. They would defecate on one another. They do not receive wholesome food and water which would lead to health problems.

As quoted by the People for the Ethical Treatment of Animals, one of the worst things that you can do to a dog is to chain him or her. In fact, life on a chain is so cruel that it's illegal in some cities! Chained dogs are exposed to heat, cold, rain, and wind, putting them at risk for heat exhaustion, and other health problems. Chains can wrap around trees or other objects, water bowls can easily tip over, and food can quickly spoil.

Chained dogs often become overly fearful of intruders and overly protective of their tiny patches of ground. They are easy targets for cruel people who taunt and tease them, and as a result, many chained dogs become defensive and untrusting. It's no surprise that dogs who spend much of their lives outside on chains often become dangerous, while dogs who are well socialized and supervised rarely bite.

Probably the worst thing about chaining dogs is that they become terribly lonely. Dogs are pack animals who long to love, live with, and be loved by their human families. Denying a dog companionship is so cruel that some dogs are actually driven crazy by their loneliness. It's best for everyone when dogs are treated as treasured family members.

I urge you to please pass SB1222, SD1.

Respectfully,

**Naomi Egami
2850 Pukoloa Street, Ste 200
Honolulu, HI 96819
(808)349-8334**

From: linda.vannatta@yahoo.com
Sent: Monday, March 16, 2009 9:09 AM
To: JUDtestimony
Subject: SB1222 SD1 Tuesday 2:00

SB1222 SD1 Tuesday 2:00

To House Judiciary Committee:

Confinement of a Cat:

The "Cat Lady of Honolulu" has been hoarding cats on public property for over 10 years. The Hawaiian Humane Society and the Hawaii State Department of Health have failed to put a stop to this disturbing situation. Your help is needed.

I have seen this homeless woman with as many as 19 cats and kittens housed in crowded cages in shopping carts on the sidewalk near Kakaako Park.

In talking with her, I learned that these animals are not her "companions." She told me she has them because, "God wants me to breed cats."

One way to reduce the number of cats a hoarder may keep is to define a minimum space requirement for caged cats in Hawaii's Animal Cruelty Law.

USDA/APHIS enforces a minimum space requirement for a primary cat enclosure of:

3x3x2 feet for each cat under 8.8 lbs

4x4x2 feet for each cat over 8.8 lbs

A space requirement for keeping caged cats has the advantage of limiting the number of animals a hoarder can physically accommodate.

Confinement of a Dog:

I was born and raised in Ni Valley where I still reside. Growing up we always had wonderful neighbors until several years ago when new neighbors moved in next door.

Unfortunately, the first week they lived there, they were burglarized. At about the same time a newsletter was sent from the Ni Valley Neighborhood Security Watch that contained information telling of a reformed burglar who admitted choosing which houses to enter by whether or not they had a dog .

The next weekend our new neighbors arrived home from the Hawaiian Humane Society with two large adult dogs in tow.

They first put the dogs in their spacious, fenced back yard, but the dogs escaped by climbing over the short 4 foot fence.

As a solution our neighbors tied the dogs around a single tree in the back yard on two ropes about 5 feet long.

The surrounding neighbors could hear the dogs yelp every time they got tangled and would call the family with their concerns.

I assumed that this was temporary until they could better secure their back yard. However, when days turned into weeks and weeks into months I realized that this was a permanent situation for the dogs.

The only change the neighbors made after being confronted by a Hawaiian Humane Society Officer was to move the dogs to separate trees.

This stopped the tangling, but now they had no interaction with each other and after a few days the dogs were sleeping all the time and never barked.

The Hawaiian Humane Society made several visits to the home, but said that, according to Hawaii State Law, there were no violations.

This sad situation that involved not only the dogs but the four surrounding neighbors lasted one year.

One dog was found dead in the yard and the other dog, after the family had a second burglary, was taken back to the Hawaiian Humane Society and replaced with a burglar alarm.

The year we witnessed those two sad dogs was a difficult one for myself and family. We felt totally helpless to improve the situation for the dogs. At one point we even begged to take over their care.

Laws teach people what is right and what is wrong. For those citizens who do not know it is cruel to tie a dog 24/7 to a stationary object with a choke chain type collar, this law is absolutely necessary.

This law will not only address the welfare of dogs, but also addresses a quality of life issue for the unfortunate neighbors who are forced to live near dogs who endure this type cruelty.

Respectfully,
Linda Vannatta
5568 Haleola Street
Honolulu, Hawaii 96821
(808) 220-8140

TESTIMONY OF GLEN FUKUNAGA IN SUPPORT OF S.B. No. 1222 S.D. 1
Relating to the Humane Treatment of Pet Animals
(Written Testimony Only)

HOUSE COMMITTEE ON JUDICIARY

Hearing Date: Tuesday, March 17, 2009

2:00 p.m. Conference Room 325

Chair Karamatsu, Vice Chair Ito, and Committee Members:

I am writing in support of S.B. 1222, S.D. 1, Relating to the Humane Treatment of Pet Animals, which prohibits confinement of a pet animal in a kennel or cage in a cruel or inhumane manner or for an unreasonable period of time. This bill, if enacted, will provide some relief to animals being forced to endure conditions of extreme confinement and deprivation on Ilalo Street in Kakaako. I work at the Department of Health building at 919 Ala Moana Blvd., and have witnessed for nearly three years a woman keeping up to 20 cats in makeshift cages and inside shopping carts on the sidewalk of Ilalo Street. These cats are kept in extreme confinement 24 hours a day, under needlessly cruel and inhumane conditions. Despite the woman's claim that she loves and takes good care of the animals, the conditions are filthy, smelly, and deplorable. The shopping carts are of wire construction with gaps on the bottom, permitting the animals' paws to get caught in the openings. The cats are forced to lie directly on open wire floors all day. There is no bedding provided, and they are exposed to the wind, rain and cold. There are no litter boxes in the cages, the cats are forced to urinate and defecate through the wire floor of the cages. These animals are never allowed out of the cages, and spend their lives sitting, never able to walk, play, or lie down comfortably.

I have made numerous complaints to the Hawaiian Humane Society, but they claim they are unable to take action on the confinement of the cats because there is no law on the books that addresses it. They will not act if an animal appears to be healthy no matter how long the confinement. Their animal control inspector has admitted that they have regularly removed a number of animals that been found in poor physical condition. This bill would require this woman and others like her to release the cats from their cages at least temporarily. They would, even if tethered, be able to stand, walk, lie and roll over. For brief moments they would be allowed to enjoy the simplest of freedoms we all take for granted.

Attached is a copy of 9 C.F.R. 3.6, Part 3, Standards, Section 3.6, Primary Enclosures, from Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats from the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) regulations for the federal Animal Welfare Act.

Using these standards as a guide, I suggest that the bill be amended to include specific requirements for housing a dog or cat in a kennel or cage:

1. Sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.
2. For each cat, including weaned kittens, vertical space at least 24 inches high; and floor space, exclusive of food and water pans, at least three square feet for cats up to and including 8.8 lbs, and at least four square feet and for cats over 8.8 lbs.
3. For each dog, interior height at least 6 inches higher than the head of the dog when it is in a normal standing position; and floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet.
4. Floors constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor.

A "reasonable period of time" may be too vague to put people on notice of how long a pet may be confined temporarily in a small kennel or cage before it becomes a matter of animal cruelty. This bill could be clarified to impose no time limit at all if the kennel or cage is roomy enough, assuming other humane treatment requirements are met. As a result, this bill would have no impact on the vast majority of dog and cat owners whose pets are rarely, if ever, confined in cages. In addition, exceptions in HRS section 711-1109(2) for veterinary practices, scientific research and pest control operations would continue to apply.

For a kennel or cage that is not roomy enough, or does not satisfy other standards of humane treatment, a specific time limit would apply. For example, "reasonable period of time" could be defined to require a release from confinement for at least one continuous hour within every 72 hour period. This would affect only those few pet owners who for some reason find it necessary or appropriate to confine their pets in kennels or cages perpetually.

S.B. 1222 SD 1 is a step in the right direction in the humane treatment of animals. Please do not be swayed by those that say it unjustly targets the homeless. It does not. This measure would not prohibit the housing of pet animals in cages of adequate size, if the City allows pet owners to stow their cages on the side of the street or in other public areas.

I urge your support on this measure. Thank you.

[Code of Federal Regulations]
 [Title 9, Volume 1]
 [Revised as of January 1, 2008]
 From the U.S. Government Printing Office via GPO Access
 [CITE: 9CFR3.6]

[Page 49-51]

TITLE 9--ANIMALS AND ANIMAL PRODUCTS

CHAPTER I--ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 3 STANDARDS--Table of Contents

Subpart A Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats \1\

Sec. 3.6 Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

- (a) General requirements. (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.
- (2) Primary enclosures must be constructed and maintained so that they:
 - (i) Have no sharp points or edges that could injure the dogs and cats;
 - (ii) Protect the dogs and cats from injury;
 - (iii) Contain the dogs and cats securely;
 - (iv) Keep other animals from entering the enclosure;
 - (v) Enable the dogs and cats to remain dry and clean;
 - (vi) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs and cats;
 - (vii) Provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;
 - (viii) Provide all the dogs and cats with easy and convenient access to clean food and water;
 - (ix) Enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized in accordance with Sec. 3.11(b) of this subpart, or be replaceable when worn or soiled;
 - (x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;
 - (xi) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and
 - (xii) Primary enclosures constructed on or after February 20, 1998 and floors replaced on or after that date, must

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comply with the requirements in this paragraph (a)(2). On or after January 21, 2000, all primary enclosures must be in compliance with the requirements in this paragraph (a)(2). If the suspended floor of a primary enclosure is constructed of metal strands, the strands must either be greater than $\frac{1}{8}$ of an inch in diameter (9 gauge) or coated

with a material such as plastic or fiberglass. The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports.

(b) Additional requirements for cats.--(1) Space. Each cat, including weaned kittens, that is housed in any primary enclosure must be provided minimum vertical space and floor space as follows:

(i) Prior to February 15, 1994 each cat housed in any primary enclosure shall be provided a minimum of 2½ square feet of floor space;

(ii) On and after February 15, 1994:

(A) Each primary enclosure housing cats must be at least 24 in. high (60.96 cm);

(B) Cats up to and including 8.8 lbs (4 kg) must be provided with at least 3.0 ft² (0.28 m²);

(C) Cats over 8.8 lbs (4 kg) must be provided with at least 4.0 ft² (0.37 m²);

(iii) Each queen with nursing kittens must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space for each nursing kitten is equivalent to less than 5 percent of the minimum requirement for the queen, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the Administrator; and

(iv) The minimum floor space required by this section is exclusive of any food or water pans. The litter pan may be considered part of the floor space if properly cleaned and sanitized.

(2) Compatibility. All cats housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult nonconditioned cats may be housed in the same primary enclosure. Queens in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, queens with litters may not be housed in the same primary enclosure with other adult cats, and kittens under 4 months of age may not be housed in the same primary enclosure with adult cats, other than the dam or foster dam. Cats with a vicious or aggressive disposition must be housed separately.

(3) Litter. In all primary enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.

(4) Resting surfaces. Each primary enclosure housing cats must contain a resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surfaces must be elevated, impervious to moisture, and be able to be easily cleaned and sanitized, or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal will be counted as part of the floor space.

(5) Cats in mobile or traveling shows or acts. Cats that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of Sec. 3.14 of this subpart other than the marking requirements in Sec. 3.14(a)(6) of this subpart. When the show or act is not traveling, the cats must be placed in primary enclosures that meet the minimum requirements of this section.

(c) Additional requirements for dogs--(1) Space. (i) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the

mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet.

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(ii) Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than 5 percent of the minimum requirement for the bitch, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the Administrator.

(iii) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position: Provided That, prior to February 15, 1994, each dog must be able to stand in a comfortable normal position.

(2) Compatibility. All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult nonconditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 4 months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.

(3) Dogs in mobile or traveling shows or acts. Dogs that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of Sec. 3.14 of this subpart other than the marking requirements in Sec. 3.14(a)(6) of this subpart. When the show or act is not traveling, the dogs must be placed in primary enclosures that meet the minimum requirements of this section.

(4) Prohibited means of primary enclosure. Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

(d) Innovative primary enclosures not precisely meeting the floor area and height requirements provided in paragraphs (b)(1) and (c)(1) of this section, but that provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior, may be used at research facilities when approved by the Committee, and by dealers and exhibitors when approved by the Administrator.

(Approved by the Office of Management and Budget under control number 0579-0093)

[56 FR 6486, Feb. 15, 1991, as amended at 62 FR 43275, Aug. 13, 1997; 63 FR 3023, Jan. 21, 1998; 63 FR 37482, July 13, 1998]

Animal Health and Husbandry Standards

S.B. No. 1222

Hearing Date: March 17, 2009; 2:00pm

March 16, 2009

Dear Legislators:

I support S.B. No. 1222. One of the duties of the legislature is to implement laws that will protect those who are unable to protect themselves. Such protection should not only be afforded to people, but should be afforded to animals as well.

Animals are dependent on their owners to take care of them, feed them, and shelter them from harsh environments. If these owners fail to do so, who will speak up for them and protect them? When animals are caged in and/or chained up for long periods of time, we should not passively stand by and do nothing to protect them. If these owners refuse to take care of them, then it is up to the legislature to prevent harm that is being done to these companion animals. The passing of this bill will do three things: educate, prevent, and deter.

This bill will announce to pet owners that it is not okay to chain or cage their dogs for long periods of time. It is inhumane. Pet owners should know that it is unacceptable to bring a dog into a home and just have them chained up or caged in for hours at a time. Once this bill is passed it will prevent future harm to pets as some owners might think twice before adopting a dog. This bill will also deter potential neglect by pet owners. This bill will allow the authorities the power to warn owners not to leave their dogs chained up for hours at a time. Even though police officers may not be able to address every pet owner with this offense, the fact that this bill is passed and that police cars drive through neighborhoods every now and then will serve as an effective deterrence.

I understand that some people question why all the effort in protecting animals. Well, I believe that, if possible, all living things should not be subjected to harm. It saddens me more so that the pet owners are the ones subjecting their own animals to harm and suffering. This bill will surely let them know that it is unacceptable.

Thank you for your time and serious consideration.

Sincerely,
SueLyn Tran

karamatsu3-Leanne

From: Francie Boland [Francie_Boland@hmsa.com]
Sent: Monday, March 16, 2009 4:01 PM
To: JUDtestimony
Subject: Senate Bill 1222 Senate Draft 1

I am writing to voice support of the intent of SB1222 S.D.1 **but I have the following concerns:**

- all dogs should be off any form of tethering that restricts and potentially endangers their life;
- no dog should be subject to the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object.
- prohibiting the use of chains to restrain a dog will not necessarily improve the welfare of the animal. In fact, this prohibition will not likely lead to the increased use of other means of tethering with ropes and/or nylon which have shown to be just as dangerous to a dog as a chain.
- recommend that this legislative body convene a task force with stakeholders and representatives from all counties to fully address the needs of the entire community and develop language that will truly help to improve the welfare of all dogs.
- The language dealing with the confinement of pets is vague and does little to protect the animal. The current felony animal cruelty law has language in place to specifically deal with the inhumane manner in which a pet animal is confined and this law will do anything to improve the welfare of the animals.

"MMS <hmsa.com>" made the following annotations.

This electronic message is not an offer to contract, the acceptance of an offer to contract, or in any other way intended to contractually obligate HMSA; neither is it intended to change the terms of any existing contract unless specifically so stated.

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karamatsu3-Leanne

From: Shimabukuro Ohana [shimaohana@hawaii.rr.com]
Sent: Monday, March 16, 2009 4:08 PM
To: JUDtestimony
Subject: SB 1222 S.D.1

Dear Judiciary Committee:

- We support the intent of SB1222 S.D.1 and believe that all dogs should be off any form of tethering that restricts and potentially endangers their life;
- We support the prohibition of the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object.
- We do not believe that by prohibiting the use of chains to restrain a dog that this will improve the welfare of the animal. In fact, we believe that this prohibition will not likely lead to the increased use of other means of tethering with ropes and/or nylon which have shown to be just as dangerous to a dog as a chain.
- The Hawaii humane societies recommend that this legislative body convene a task force with stakeholders and representatives from all counties to fully address the needs of the entire community and develop language that will truly help to improve the welfare of all dogs.
- The language dealing with the confinement of pets is vague and does little to protect the animal. The current felony animal cruelty law has language in place to specifically deal with the inhumane manner in which a pet animal is confined and we do not believe that this law will do anything to improve the welfare of the animals.

Thank you for allowing us to voice our concerns.

Your constituents,

Donna Shimabukuro
Erin Shimabukuro

karamatsu3-Leanne

From: jacqueline just [jacquelinejust@yahoo.com]
Sent: Monday, March 16, 2009 4:15 PM
To: JUDtestimony
Subject: testing

Dear Sirs,

I support the intent of SB1222 S.D.1 and strongly believe that dogs should not be tethered or restricted if unattended for any length of time as it poses an endangerment to their life. I support the prohibition of use of chain, chock, pinch or prong collars in restraining dogs to stationary objects. I find it abusive and poses potential for injury and pain and possible accidental death. This will protect the welfare of the animal and prevent possible accidental death from strangulation.

It is essential that legislation use clear and appropriate language so that adopted laws will be sufficient to prosecute felony charges against inhumane treatment by humans. This is essential for the protection of pets and for an enlightened society.

I ask you to be thorough and diligent in this important matter. Neglect and abuse so often begins and ends with pets!

Thank You.

Jacqueline Just

karamatsu3-Leanne

From: E. [islevegan@gmail.com]
Sent: Monday, March 16, 2009 9:07 PM
To: JUDtestimony
Cc: R P
Subject: SB 1222 - IN FAVOR, RELATING TO THE HUMANE TREATMENT OF PET ANIMALS

Aloha,

Please accept my testimony in favor of SB 1222 as listed on the State Capitol website at 9:06pm, March 16.

Mahalo,

Eric Barker

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If you eat meat..

See for yourself how animals are raised and killed for meat.

www.ChooseVeg.com

karamatsu3-Leanne

From: R P [justpuckett@gmail.com]
Sent: Monday, March 16, 2009 9:13 PM
To: JUDtestimony
Subject: SB 1222 - IN FAVOR, RELATING TO THE HUMANE TREATMENT OF PET ANIMALS

Hello, I am in favor of SB 1222 as listed on the State Capitol website at 9:06pm, March 16.
Thanks for your time.

Robert Puckett
96836

karamatsu3-Leanne

From: Cookie Nakai [cnakai@hawaiianhumane.org]
Sent: Tuesday, March 17, 2009 7:11 AM
To: JUDtestimony
Subject: SB 1222 S.D.1

Respected Lawmakers,

I support the intent of SB1222 S.D.1 with the following concerns:

- I support the intent of SB1222 S.D.1 and believe that all dogs should be off any form of tethering that restricts and potentially endangers their life;
- I support the prohibition of the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object.
- I do not believe that by prohibiting the use of chains to restrain a dog that this will improve the welfare of the animal. In fact, I believe that this prohibition will most likely lead to the increased use of other means of tethering with ropes and/or nylon which have shown to be just as dangerous to a dog as a chain.
- I recommend that this legislative body convene a task force with stakeholders and representatives from all counties to fully address the needs of the entire community and develop language that will truly help to improve the welfare of all dogs.

Thank you very much!
Cynthia Nakai

March 17, 2009

Committee on Judiciary
Hawaii State Capital
Honolulu, Hawaii

Chairman Karamatsu, Vice Chairman Ito and Members of the Judiciary
Committee:

RE: SB1222 hearing held before your committee on Tuesday, March 17, 2009 @
2:00pm.

I am submitting testimony in support of the intent of SB1222 S.D.1 with the
following concerns:

- I support the prohibition of the use of chain, choke, pinch or prong collars as a means of restraining a dog to a stationary object.
- I support the idea of the Hawaii humane societies recommendation of this legislative body to convene a task force with stakeholders and representatives from all counties to fully address the needs of the entire community and develop language that will truly help to improve the welfare of all dogs.
- The language is vague. This law needs to be specifically clear when dealing with the confinement of pets like it was done in the current felony animal cruelty law. Otherwise, this will not improve the welfare of the animals.

As a pet owner, concern citizen and resident of Kapolei I hope you will consider in favor of this testimony to help you make your decision in the bills introduced before you relating to pets.

Mahalo,

Gayle Puou

Resident of Kapolei