

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1           SECTION 1. The legislature finds that the practice of  
2 excessive animal tethering causes many pets to suffer needlessly  
3 and increases the risk of an animal posing a danger to the  
4 public.

5           The American Veterinary Medical Association, the largest  
6 veterinary medical association in the world, advises dog owners  
7 to never tether or chain their dogs because this can contribute  
8 to aggressive behavior.

9           A study published by the National Center for Injury  
10 Prevention and Control, a division of the Centers for Disease  
11 Control and Prevention, found that chained dogs were 2.8 times  
12 more likely to attack than dogs that were not tethered.

13           Children are the most common victims of attacks by chained  
14 dogs. According to a recent study, seventy-nine per cent of the  
15 four hundred thirty-one people killed by dogs in the United  
16 States between 1965 and 2001 were children under the age of  
17 twelve.



1           The purpose of this Act is to improve public safety and  
2 animal welfare by restricting the practice of animal tethering.

3           SECTION 2. Section 711-1109, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           "§711-1109 Cruelty to animals in the second degree. (1)

6 A person commits the offense of cruelty to animals in the second  
7 degree if the person intentionally, knowingly, or recklessly:

- 8           (a) Overdrives, overloads, tortures, torments, beats,  
9           causes substantial bodily injury, or starves any  
10           animal, or causes the overdriving, overloading,  
11           torture, torment, beating, or starving of any animal,  
12           or deprives a pet animal of necessary sustenance or  
13           causes such deprivation;
- 14           (b) Mutilates, poisons, or kills without need any animal  
15           other than insects, vermin, or other pests;
- 16           (c) Keeps, uses, or in any way is connected with or  
17           interested in the management of, or receives money for  
18           the admission of any person to, any place kept or used  
19           for the purpose of fighting or baiting any bull, bear,  
20           cock, or other animal, and every person who  
21           encourages, aids, or assists therein, or who permits  
22           or suffers any place to be so kept or used;



- 1 (d) Carries or causes to be carried, in or upon any  
2 vehicle or other conveyance, any animal in a cruel or  
3 inhumane manner; [e]
- 4 (e) Tethers, fastens, chains, ties, or restrains a dog or  
5 cat, or causes a dog or cat to be tethered, fastened,  
6 chained, tied, or restrained for an unreasonable  
7 period of time or in any manner that unreasonably  
8 limits the animal's movement; provided that:
  - 9 (i) If a dog or cat is restrained by means of a  
10 collar, the collar shall measure one inch more  
11 than the circumference of the animal's neck; and
  - 12 (ii) If a dog or cat is restrained by means of a  
13 kennel or cage, the kennel or cage, at a minimum,  
14 shall provide sufficient space for the animal to  
15 stand up and turn around;
- 16 (f) Tethers, fastens, ties, chains, restrains, kennels, or  
17 cages a dog or cat, or causes a dog or cat to be  
18 tethered, fastened, tied, chained, restrained,  
19 kenneled, or caged, in any manner that exposes the  
20 animal to unsafe conditions;
- 21 (g) Tethers, fastens, ties, chains, restrains, kennels, or  
22 cages a dog or cat, which causes the dog or cat to be



1 exposed without shelter, during periods of hazardous  
2 weather; or

3 ~~[(e)]~~ (h) Assists another in the commission of any act  
4 specified in subsections (1)(a) through ~~[(1)(d)].~~  
5 (1)(g).

6 (2) Subsection (1)(a), (b), (d), and ~~[(e)],~~ (h), shall not  
7 apply to:

8 (a) Accepted veterinary practices;

9 (b) Activities carried on for scientific research governed  
10 by standards of accepted educational or medicinal  
11 practices; or

12 (c) Pest control operations conducted pursuant to chapter  
13 149A by a pest control operator licensed pursuant to  
14 chapter 460J, if the pest control is performed under a  
15 written contract.

16 (3) Notwithstanding subsection (1)(e), a person may:

17 (a) Tether, fasten, chain, tie, or otherwise restrain a  
18 dog or cat pursuant to the requirements of a camping  
19 or recreational area;

20 (b) Tether, fasten, chain, or tie a dog or cat no longer  
21 than is necessary for the person to complete a



1           temporary task that requires the dog or cat to be  
2           restrained for a reasonable period; or

3       (c)   Tether, fasten, chain, or tie a dog or cat while  
4           actively engaged in any of the following:

5           (i)   Conduct that is directly related to the business  
6               of shepherding or herding cattle or livestock; or

7           (ii)   Conduct that is directly related to the business  
8               of cultivating agricultural products, if the  
9               restraint is reasonably necessary for the safety  
10           of the dog or cat.

11       ~~[(3)]~~ (4)   Whenever any animal is so severely injured that  
12       there is no reasonable probability that its life or usefulness  
13       can be saved, the animal may be immediately destroyed without  
14       creating any offense under this section.

15       (5)   As used in this section:

16       "Hazardous weather" includes hurricane, hurricane watch,  
17       hurricane warning, tropical storm, tropical storm watch, or  
18       tropical storm warning.

19       "Unreasonable period" means a period of time that exceeds  
20       three hours in a twenty-four-hour period.

21       "Unsafe conditions" includes, but is not limited to, the  
22       following:



- 1        (a) Hot sun without shade;
- 2        (b) Limited access to only a hot dog house;
- 3        (c) Tangled lines preventing access to food and water;
- 4        (d) Inability to escape urine and defecation; or
- 5        (e) Inability to escape emergencies, such as fire.

6        [~~4~~] (6) Cruelty to animals in the second degree is a  
 7 misdemeanor."

8        SECTION 3. This Act does not affect rights and duties that  
 9 matured, penalties that were incurred, and proceedings that were  
 10 begun, before its effective date.

11        SECTION 4. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13        SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*[Handwritten signatures and names follow]*

*[Signature]*  
*[Signature]*  
 David J. Lee  
 Franzmann Oakland  
 Joe M.  
 Will Gyo  
 Clarence Michikawa  
 Michelle N. Kalani

**Report Title:**  
Animal Welfare

**Description:**  
Prohibits the unreasonable or unsafe restraint of dogs and cats.

