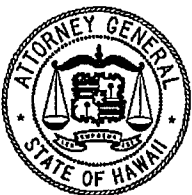


**HB2725,**

**HD1**

**LATE**

**LATE**



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2010**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2725, H.D. 1, RELATING TO ANIMALS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

**DATE:** Friday, March 12, 2010      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** WRITTEN TESTIMONY ONLY. For more information, call  
Lance M. Goto, Deputy Attorney General, at 586-1160.

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Chair Taniguchi and Members of the Committee:

The Department of the Attorney General provides the following comments regarding this bill.

The purpose of this bill is to amend the definition of "necessary sustenance" under section 711-1100, Hawaii Revised Statutes, to include the requirement of an area of confinement in a "primary pet enclosure."

On page 2 of the bill, at lines 2-4, the bill provides that "necessary sustenance" must include "an area of confinement in a primary pet enclosure," which is defined on page 1 as "any kennel, cage, or structure used to restrict a pet animal to a limited amount of space." This requirement appears to be too narrow, as it would mean that a dog owner who allowed the dog to roam freely within a large fenced or walled yard containing a dog house shelter would not be providing the required "necessary sustenance."

On page 2 of the bill, at lines 11-20, paragraphs (D) and (E) appear to be redundant. Paragraph (D) is probably unnecessary.

On page 3 of the bill, at lines 4-5, the bill requires that the primary pet enclosure provide sufficient space to allow the animal to make normal body movements in a comfortable position

for the animal "without making physical contact with any other animal enclosure." It is not clear what concern is being addressed by this provision; does this refer to another animal enclosure within the primary pet enclosure?



THE HUMANE SOCIETY  
OF THE UNITED STATES

**LATE**

**Testimony in SUPPORT WITH AMENDMENTS  
HB 2725; Relating to Animals  
Senate Judiciary and Government Operations Committee  
March 12, 2010, 935am**

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

**Dear Honorable Chair Taniguchi Vice-Chair Takamine and Committee Members:**

On behalf of our 49,315 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 strong support of HB 2725**; amending the definition of necessary sustenance. We also appreciate the opportunity to provide the below critical amendments for your consideration:

- Under the current HD 1; "Pet animal" means a dog, cat, domesticated rabbit (so long as not bred or raised for meat production purposes), guinea pig, [~~domesticated pig,~~] or caged birds (passeriformes, piciformes, and psittaciformes only) so long as not bred or raised for [consumption] egg or meat production purposes."
- This section should instead keep the existing inclusion of **domesticated pig**

In fact, you may recall that 3 egregious cruelty cases in 2006 involving the killing of pet pigs prompted our state legislature to pass a felony animal cruelty provision in 2007, making Hawaii the 43<sup>rd</sup> state in the country to enact such a provision for intentional cases of extreme animal cruelty and abuse. The proposed HD1 essentially repeals the current protections rightfully afforded to owners of pet pigs. We appreciate clarification that this section shall only apply to "pet animals" as defined in existing statute and do not oppose a clarification that this shall not apply to pigs, rabbits or birds kept, bred or raised SOLELY for meat or egg production purposes.

This bill would help to improve the health, well-being and overall welfare of thousands of pet animals across Hawaii that spend considerable time in kennels or cages by providing the most basic housing, sustenance, care and keeping standards. This is also a first step in preventing "puppy mills" or mass breeding operations where dogs are often kept in cramped, dirty cages, unable to engage in the most basic body movements.

This bill also provides a necessary requirement that owners provide veterinary care to pet animals to prevent suffering. Hawaii is but one of only a few states without this provision, making this an extremely important measure to reduce unnecessary animal suffering and improve pet owner responsibility for the care of their pets.

We again appreciate the opportunity to support this important measure with the above amendment.

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

**LATE**

March 11, 2010

Senator Brian Taniguchi, Chair  
Senator Dwight Takamine, Vice Chair  
Senate Committee on Judiciary and Government Operations  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

3-825 Kaunualii Hwy.  
P.O. Box 3330  
Lihue, Hawaii 96766  
phone: 808-632-0610  
fax: 808-632-0727  
[www.kauaihumane.org](http://www.kauaihumane.org)

RE: Testimony on HB 2725 HD1

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

On behalf of the Kauai Humane Society, we appreciate the opportunity to comment on HB 2725 HD1, Relating to Animals.

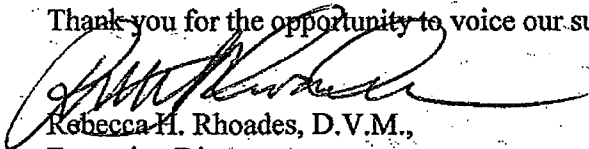
We need this new language in our statute to protect pet animals from neglect and cruelty when confined to a cage. This is the basics. Last year we heard about the cat lady on Oahu, dogs eating other dogs in rabbit hutches on Kauai, and more. This language will allow us to better inform pet owners on their responsibilities by law and ensure the basic care for pet animals.

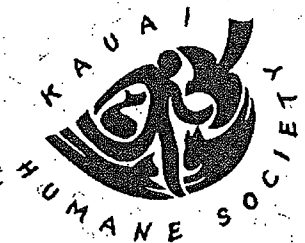
I disagree with the testimony submitted asking that pet rabbits and guinea pigs do not need a resting platform. As a veterinarian and as an enforcement officer of our animal cruelty laws, these pet animals need to be able to get off the wire. They develop hock sores, lacerated feet and secondary bacterial infections when constantly on wire flooring.

Here on Kauai we see dogs kept in "rabbit hutch-like" cages so the urine and manure can drain and be easier to rake up without having to open the cage. Whether it's a dog, a rabbit or a guinea pig it can be argued that wire flooring allows their waste to drain and thus prevents them from sitting in it. I will argue that dogs, rabbits and guinea pigs or any other pet animal as defined requires a place to get off the wire to protect their welfare. The pet animal's basic needs should be more important than the ease of cleaning.

We need this language to better protect pet animals in our community and provide them with a minimum standard of care.

Thank you for the opportunity to voice our support of this bill.

  
Rebecca H. Rhoades, D.V.M.,  
Executive Director



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*Joyce Weidman, DVM*

*Executive Director*  
Rebecca Rhoades, DVM



LATE

2343 Rose Street, Honolulu, HI 96819  
Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272  
Fax: (808) 848-1921; e-mail: info@hfbf.org

TESTIMONY

SENATE  
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

March 12, 2010  
9:30 AM  
Room 16

HB 2725 RELATING TO ANIMALS

Chair Taniguchi, Vice Chair Takamine, and Members of the Committee:

The Hawaii Farm Bureau Federation (HFBF), on behalf of our farm and ranch families and organizations, offers the following comments on HB 2725 HD1, relating to animals.

HFBF was extremely concerned with the language in the original bill because application of the specific habitat conditions required by the proposed amendments could make animal agriculture impossible.

Efforts to abolish livestock rearing have been made throughout the country by activists who are working towards a world in which people do not eat meat. The habitat specifications contained within this measure may be appropriate for certain pet animals, but they are NOT appropriate for livestock. We feared that these proposals were the beginning of efforts by mainland animal rights activists to extend strict habitat requirements to Hawaii's farm and ranch livestock rearing practices. We have since been assured by representatives from our local Humane Society that they, at least, had no intention for this bill to apply to farm animals.

HFBF appreciates the consideration given to our concerns and evidenced in HD1 of this bill. **This draft clearly distinguishes pet animals from those animals bred or raised for meat or egg production purposes.** It is an important distinction and one that is necessary to ensure the continued viability of animal farming and ranching in Hawaii.

Livestock producers in Hawaii agree that *all* animals must be treated humanely. They follow science-based production practices developed and recommended after years of university agricultural research. They are committed to the ethical treatment of their animals.

**We appreciate that our needs have been addressed by the specific language incorporated into HB 2725 HD1.**