
A BILL FOR AN ACT

RELATING TO DOGS.

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

1 SECTION 1. The legislature finds that Hawaii does not
2 currently regulate the breeding of dogs and that this lack of
3 regulation often results in the breeding of dogs in a cruel and
4 inhumane manner. Breeding of dogs is often conducted under
5 conditions that inflict long-term suffering on the dogs and may
6 also lead to the sale of unhealthy dogs to unsuspecting
7 consumers.

8 The legislature further finds that it is necessary to
9 regulate dog breeding operations and facilities in order to
10 prevent cruel treatment of the dogs and protect the public.

11 The purpose of this Act is to regulate the transportation,
12 sale, purchase, housing, care, handling, and treatment of dogs
13 by breeders to:

- 14 (1) Ensure that the dogs are provided with humane care and
15 treatment; and
16 (2) Protect the public from purchasing unhealthy dogs.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 DOG BREEDER REGULATION ACT

6 § -1 Title. This chapter shall be known as the "Dog
7 Breeder Regulation Act".

8 § -2 Definitions. As used in this chapter, unless the
9 context clearly indicates otherwise:

10 "Adequate rest between breeding cycles" means ensuring, at
11 minimum, that intact female dogs are not bred to produce more
12 than two litters in any eighteen-month period.

13 "Department" means the department of commerce and consumer
14 affairs.

15 "Director" means the director of commerce and consumer
16 affairs.

17 "Dog" means any animal that is wholly or in part of the
18 species *Canis familiaris*.

19 "Dog breeder" means any person engaged in the business of
20 breeding intact female dogs who:

- 21 (1) Owns or harbors twenty or more intact female dogs over
22 six months of age;



- 1 (2) Owns or harbors thirty intact dogs over six months of
2 age on the premises; or
- 3 (3) For compensation or profit, sells or offers for sale,
4 exchange, or lease, via any means, including the
5 Internet, newspaper, or telephone, twenty-five or more
6 of the offspring of intact female dogs in any one-year
7 period.

8 "Licensee" means a person who has qualified for and
9 received a license from the department pursuant to this chapter.

10 "Litter" means one or more dogs, sold individually or
11 together, that are all or part of a group of dogs born to the
12 same mother at the same time.

13 "Necessary veterinary care" means an annual examination by
14 a licensed veterinarian and includes prompt treatment of any
15 illness or injury and humane euthanasia, as appropriate, using
16 lawful techniques deemed acceptable by the American Veterinary
17 Medical Association.

18 "Person" means any individual, firm, partnership, joint
19 venture, association, limited liability company, corporation,
20 estate trust receiver, or syndicate.

21 "Premises" means all public or private buildings, kennels,
22 pens, and cages used by a dog breeding operation and the public



1 or private grounds upon which the operation is located, if the
2 buildings, kennels, pens, cages, or grounds are used by the
3 owner or operator in the usual course of a dog breeding
4 business.

5 "Primary enclosure" means any structure used to immediately
6 restrict a dog to a limited amount of space, such as a kennel,
7 room, pen, cage, or compartment.

8 "Regular exercise" means constant and unfettered access to
9 an outdoor exercise area that:

- 10 (1) Is composed of a solid, ground-level surface with
11 adequate drainage;
- 12 (2) Provides protection against sun, wind, and rain; and
- 13 (3) Provides each dog at least twice the square footage of
14 the indoor floor space provided to the dog.

15 "Sufficient food and clean water" means access to
16 appropriate nutritious food at least once per day sufficient to
17 maintain good health and continuous access to potable water that
18 is free of debris, feces, algae, and other contaminants.

19 "Sufficient housing, including protection from the
20 elements" means constant and unfettered access to an indoor
21 enclosure that:

- 22 (1) Has a solid floor;



- 1 (2) Is not stacked or otherwise placed on top of or below
2 another animal's enclosure;
- 3 (3) Is cleaned of waste at least once per day while the
4 dog is outside the enclosure; and
- 5 (4) Does not rise above eighty-five degrees Fahrenheit
6 indoors.

7 "Sufficient space" means having:

- 8 (1) Adequate indoor space for each dog to turn in a
9 complete circle without any impediment;
- 10 (2) Adequate indoor space for each dog to lie down and
11 fully extend its limbs and stretch freely without
12 touching the side of an enclosure or another dog;
- 13 (3) At least one foot of headroom above the head of the
14 tallest dog in the enclosure; and
- 15 (4) At least twelve square feet of indoor floor space for
16 each dog up to twenty-five inches long, at least
17 twenty square feet of indoor floor space for each dog
18 between twenty-five and thirty-five inches long, and
19 at least thirty square feet of indoor floor space for
20 each dog thirty-five inches and longer; provided that
21 the length of the dog is measured from the tip of the
22 nose to the base of the tail.



1 **§ -3 Dog breeder license required.** Any person operating
2 a dog breeding operation shall possess a valid dog breeder
3 license issued by the department in accordance with this chapter
4 and any rules adopted by the director.

5 **§ -4 License requirements; fees; renewal.** (a) An
6 applicant for a dog breeder license shall submit a license
7 application together with the annual licensing fee to the
8 department. Upon receipt of the application and annual
9 licensing fee and completion of an inspection deemed appropriate
10 by the department, the department may issue a license. The
11 license shall not be transferable to another person or location.

12 (b) The annual license fee shall be determined according
13 to a fee schedule developed by the department.

14 (c) A dog breeder license shall be renewed by filing a
15 renewal application and an annual license fee with the
16 department on or before December 31 of each year.

17 (d) A licensee shall not harbor more than fifty dogs over
18 the age of six months on the premises at any time.

19 **§ -5 Inspections; investigations; access.** (a) The
20 director may make any investigations necessary to ensure
21 compliance with this chapter.



1 (b) At any reasonable time during regular business hours,
2 the director or any authorized enforcement officer shall have
3 access to:

4 (1) Those portions of all buildings, yards, pens, and
5 other areas in which any dogs are kept, handled, or
6 transported; and

7 (2) All records required to be kept by the dog breeder;
8 provided that the director may make copies of the
9 records.

10 (c) After the denial, suspension, or revocation of a
11 license, the director shall have access to the areas and records
12 that are reasonably necessary to verify that operation of the
13 dog breeding facility has ceased. The director shall have
14 access to:

15 (1) Those portions of all buildings, yards, pens, and
16 other areas in which dogs are suspected of being kept,
17 handled, or transported without the appropriate
18 license; and

19 (2) Records required to comply with this chapter; provided
20 that the director may make copies of the records.

21 (d) The director may administer oaths and take statements;
22 issue subpoenas requiring the attendance of witnesses or the



1 production of books, memoranda, papers, articles, and
2 instruments; and compel the disclosure by witnesses of all facts
3 known to them relative to the matters under investigation. Upon
4 the failure or refusal of any witness to obey any subpoena, the
5 director may petition the court, and, upon a proper showing, the
6 court may enter an order compelling the witness to appear and
7 testify or produce documentary evidence. Failure to obey an
8 order of the court shall constitute a contempt of court.

9 **§ -6 Unlawful acts.** (a) Unless otherwise authorized by
10 law, it shall be unlawful and a violation of this chapter for
11 any person to:

- 12 (1) Perform any act for which licensure is required under
13 this chapter without possessing a valid license;
- 14 (2) Solicit, advertise, or offer to perform any act for
15 which licensure is required under this chapter without
16 possessing a valid license;
- 17 (3) Refuse to comply with a cease-and-desist order issued
18 pursuant to this chapter.
- 19 (4) Refuse or fail to comply with the provisions of this
20 chapter;



- 1 (5) Make a material misstatement in a license application,
2 a license renewal application, or during an official
3 investigation by the department;
- 4 (6) Impersonate any state or county official or inspector;
- 5 (7) Refuse or fail to comply with any rules adopted by the
6 department pursuant to this chapter or any lawful
7 order issued by the director;
- 8 (8) Aid or abet another in any violation of this chapter
9 or any rule adopted by the director to implement this
10 chapter; or
- 11 (9) Alter or falsify any certificate of veterinary
12 inspection or any other certificate of veterinary
13 health.
- 14 (b) It shall be unlawful and a violation of this chapter
15 for any dog breeder to:
- 16 (1) Refuse to permit entry or inspection in accordance
17 with section -5;
- 18 (2) Allow a license issued pursuant to this chapter to be
19 used by an unlicensed person;
- 20 (3) Make any misrepresentation or false promise through
21 advertisements, employees, agents, or otherwise in
22 connection with the dog breeder operation licensed



1 pursuant to this chapter or for which an application
2 for a license is pending; and

3 (4) Fail to take reasonable care to release for sale,
4 trade, or adoption only those dogs that are free of
5 undisclosed disease, injury, or abnormality.

6 **§ -7 Enforcement.** (a) If the director has reasonable
7 cause to believe that a violation of this chapter, or any rule
8 adopted pursuant to this chapter, has occurred and immediate
9 enforcement is necessary, the director may issue a cease-and-
10 desist order. The cease-and-desist order shall set forth the
11 sections alleged to have been violated, the facts alleged to
12 have constituted the violation, and the requirement that all
13 actions cease forthwith. At any time after service of the order
14 to cease and desist, the person may request a prompt hearing to
15 determine whether a violation has occurred.

16 (b) In the event that any person fails to comply with a
17 cease-and-desist order within twenty-four hours, the director
18 may bring a suit for a temporary restraining order and for
19 injunctive relief to prevent any further or continued violation
20 of this chapter.

21 (c) No stay of a cease-and-desist order shall be issued
22 before a hearing thereon involving both parties.



1 (d) If the director possesses sufficient evidence
2 indicating that any person has engaged in or is about to engage
3 in any act constituting a violation of this chapter or any rule
4 adopted under this chapter, the director may apply to any court
5 of competent jurisdiction to temporarily or permanently restrain
6 or enjoin the act and to enforce compliance with this chapter or
7 any rule or order issued under this chapter. In any such
8 action, the director shall not be required to plead or prove
9 irreparable injury or the inadequacy of the remedy at law.
10 Under no circumstances shall the court require the director to
11 post a bond.

12 **§ -8 Civil penalties.** (a) Any person who violates any
13 provision of this chapter, or any rule adopted pursuant to it,
14 shall be subject to a civil penalty, as determined by the
15 director. The maximum penalty shall not exceed \$1,000 per
16 violation per day.

17 (b) No civil penalty may be imposed unless the person
18 charged is given notice and opportunity for a hearing.

19 (c) If any person fails to pay all or a set portion of the
20 civil penalty, the director may:



1 (1) Bring an action to recover the amount of the civil
2 penalty plus costs and attorney's fees in any court of
3 competent jurisdiction; or

4 (2) Revoke or refuse to renew the person's license
5 authorized under this chapter.

6 **§ -9 Criminal penalties.** Any person who violates any
7 provision of this chapter is guilty of a misdemeanor.

8 **§ -10 Rules.** The director shall adopt rules pursuant to
9 chapter 91 necessary for the purposes of this chapter."

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

13 SECTION 4. This Act shall take effect on July 1, 2112.



Report Title:

Dogs; Breeders; Licensing; Penalty

Description:

Establishes a licensing requirement for dog breeders. Effective July 1, 2112. (HB1621 HD1)

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