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

TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

Monday, April 4, 2011
5:00 p.m.

WRITTEN COMMENTS

TESTIMONY ON SENATE BILL NO. 1522, S.D. 2, H.D. 1, RELATING TO DOGS.

TO THE HONORABLE MARCUS R. OSHIRO, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator of the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to testify on Senate Bill No. 1522, S.D. 2, H.D. 1, Relating to Dogs.

Senate Bill No. 1522, S.D. 2, H.D. 1 creates a new chapter to regulate large scale dog breeders. Section 26H-6, Hawaii Revised Statutes, requires that new regulatory measures being considered for enactment be referred to the Auditor for a sunrise analysis before any measure is enacted. The statute further requires that the

Testimony on Senate Bill No. 1522, S.D. 2, H.D. 1
April 4, 2011
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analysis shall set forth the probable effects of regulation, assess whether its enactment is consistent with the legislative policies of the Hawaii Regulatory Licensing Reform Act, and assess alternative forms of regulation.

Therefore, the Department strongly supports a sunrise study on this measure, as mandated by law, before regulating large scale dog breeders. Thank you for the opportunity to testify on Senate Bill No. 1522, S.D. 2, H.D. 1.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE MARCUS R. OSHIRO, CHAIR
HOUSE FINANCE COMMITTEE
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai`i

April 4, 2011

RE: S.B. 1522, S.D. 2, H.D. 1; RELATING TO DOGS.

Chair Oshiro, Vice Chair Lee, and members of the House Committee on Finance, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of S.B. 1522, S.D. 2, H.D. 1.

The purpose of this bill is to establish a licensing requirement for large scale dog breeders to regulate the transportation, sale, purchase, housing, care, handling, and treatment of dogs by large scale breeders, to ensure that the dogs are provided with humane care and treatment; and protect the public from purchasing unhealthy dogs. The bill also limits the total number of dogs to fifty (50) per licensee, allows for inspections by the Department of Commerce and Consumer Affairs, and provides civil and criminal penalties for violations of the law.

The Department believes that S.B. 1522, S.D. 2, H.D. 1 would work alongside existing laws to prevent these specific forms of animal cruelty, and serve as a much-needed deterrent to those who may be inclined to over-breed or wrongfully breed dogs. For these reasons, we support the passage of S.B. 1522, S.D. 2, H.D. 1. Thank you for this opportunity to testify.



HAWAIIAN HUMANE SOCIETY

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The Hawaiian Humane
Society is dedicated to
promoting the human-
animal bond and
the humane treatment of
all animals.

April 3, 2011

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair
Committee on Finance

Re: Testimony on SB 1522, SD2, HD1, (HSCR991)

Dear Chair Oshiro, Vice Chair Lee and Members of the Committee on Finance:

We strongly support passage of SB 1522, SD2, HD1, (HSCR991) which establishes the licensure and regulation of large-scale dog breeders.

With no law to specifically address these types of businesses, dogs live in cruel and inhumane conditions until they are no longer profitable to the breeder and are discarded. The purpose of this act is to ensure that dogs are provided with humane care and treatment as well as to protect the public from purchasing dogs that come from an inhumane environment.

The act would regulate businesses that have 20 or more intact female dogs over the age of six months; or who have a total of 30 intact dogs that are 6 months or older; or sells 25 or more puppies within a year; with no more than 50 intact adult dogs on any property at any time.

These large scale breeders would be required to be licensed and this Bill establishes minimum standards of care that includes: veterinary care, maximum allowed breeding within an 18 month period, space requirements, exercise and access by inspectors at any reasonable time during regular business hours.

We ask for your strong support of SB 1522, SD2, HD1, (HSCR991).

Thank you for the opportunity to provide testimony in support of this measure.

Sincerely yours,

Pamela Burns
President and CEO



THE HUMANE SOCIETY
OF THE UNITED STATES

TO: Honorable Chair Oshiro, Vice-Chair Lee and Committee Members

Finance Committee, 4-4-11, 500pm, Rm 308

RE: Testimony in SUPPORT of SB1522 SD2 HD1; Relating to Dogs

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

On behalf of our more than 50,000 members and supporters in Hawaii, we thank the Finance Committee for considering this important measure to protect both dogs and consumers. Our organization has been involved in efforts in sixteen states that have passed similar laws in the past 2 years to prevent the cruel treatment and exploitation of dogs in large-scale breeding operations, where sadly, profit is all too often put above welfare.

The purpose of this bill is to require that large-scale dog breeding operations be licensed and provide each dog under their care with basic food and water, adequate shelter from the elements, necessary veterinary care, adequate space to turn around and stretch his or her limbs and access to space for critical exercise. Most importantly, this law allows for animal control and law enforcement agencies to ensure that such basic requirements are being met.

Animal Welfare Concerns:

Dogs at puppy mills, also known as large scale commercial breeding operations, typically receive little to no medical care, often live in squalid conditions with no exercise, socialization or human interaction and are confined inside cramped wire cages for life. Breeding dogs must endure constant breeding cycles and are typically confined for years on end, without ever becoming part of a family. The breeding "stock" live their entire lives confined to small cages, devoid of human companionship. They are often victims of filth, inadequate shelter, overcrowding, and insufficient food and water. In addition, these dogs are bred repeatedly and often receive little or no veterinary care.

Consumer Protection Concerns:

Dogs from these large-scale breeders are often sold in pet stores, online, via newspaper ads and in some cases directly to consumers with little to no regard for the dog's health, genetic history or future welfare. Puppies are often taken from their mothers for sale to pet stores at approximately 8 weeks of age, when they are highly susceptible to contagious diseases such as parvovirus and are very sensitive to behavioral stress. Poor breeding practices can also lead to serious genetic problems such as hip dysplasia—an often painful and crippling disorder.

Again, we urge your support of SB1522 and these most basic requirements to better protect dogs and consumers alike.

HAWAIIAN KENNEL CLUB
(A.K.C. Member)

April 2, 2011

Senator Clayton Hee
Finance Committee
Re: SB1522 Hearing

Dear Committee Members,

We strongly support the intent of this bill. However, it appears to address three issues that should be defined separately.

- 1) **LARGE SCALE DOG FACILITIES – ANIMAL HUSBANDRY:** We strongly support licensing and supervision of the care of large numbers of animals. This should apply to breeders, animal caregivers, boarding kennels, hoarders, animal rescue, or any other name you might want to give to these entities. It seems that it would be appropriately supervised by the Dept. of Agriculture and should insure good animal husbandry standards.
- 2) **BREEDING –** A huge responsibility and standards should be set by the industry rather than arbitrary decisions made by legislation. The Hawaiian Kennel Club, as well as most dog clubs in Hawaii support the Hawaiian Dog Fanciers Guidelines for Responsible Breeders (attached). In this bill the only criteria is the arbitrary statement that not more than two litters should be whelped within an 18 month period. There are so many other issues of greater importance that should be addressed by a responsible breeder such as health, inbreeding, and knowledge of the particular breed in question.
- 3) **SALES –** We support regulation of sales with appropriate excise tax license and health checks.

Yours truly,

Gerri Cadiz, HKC President
40A Kai One Place
Kailua, HI 96734
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HAWAIIAN DOG FANCIERS GUIDELINES FOR RESPONSIBLE BREEDERS

The Public Education Coordinators representing the breed, all-breed, and obedience clubs of Hawaii have compiled the following guidelines for breeders in the hopes that prospective breeders will study the guidelines and set standards for their breeding programs that will produce healthy, well-adjusted puppies, representative of their breed.

We also hope it will be a tool for puppy buyers to use to ask pertinent questions and to evaluate their expectations of the puppy they hope to obtain.

Ψ All dogs shall be kept under sanitary conditions and shall be given maximum health protection through regular veterinary care, inoculations, adequate exercise, and proper nutrition. Dogs shall be provided with a safe and secure environment at all times.

Ψ All breeders shall keep accurate and complete personal records of breedings, litters, pedigrees, and puppy owners' names, addresses, and phone numbers.

Ψ All puppies leaving the breeder's possession shall be a minimum of seven (7) weeks of age.

Ψ All breeders of purebred dogs shall breed to conform to the American Kennel Club's Standard of Excellence for their breed, and only from quality, healthy stock. Breeders will screen for inherited diseases as known in their breed.

Ψ Breeders shall provide the puppy buyer with written details of feeding, general care, dates, and types of inoculations and wormings, grooming instructions, training resources, etc., and be available to offer future advice as needed.

Ψ All dogs will be sold with written contracts with specifications, guarantees, or restrictions. The contract will ensure that the breeder will be contacted if an owner can no longer keep the dog at any time in the dog's life and that the breeder will find a new home for the dog.

Ψ All puppies not of show or breeding quality will be sold on a spay/neuter contract with an AKC Limited Registration.

Ψ Bitches will not be bred before or after such age as is customary for their breed as outlined by the Parent Club's guidelines. Only healthy, mature dogs will be bred and the breeder will allow proper, healthful spacing between litters.

Ψ Breeders will permit stud service only to quality, healthy bitches, appropriately screened for inherited diseases; owned by individuals who give satisfactory evidence that they will give these puppies proper care and attention and who are in agreement with these guidelines for responsible breeders.

Ψ Prospective buyers should be screened as thoroughly as possible to determine their desire and ultimate intent for each puppy or dog, and also for their interest and ability to provide a safe, adequate and loving home for each puppy or dog acquired.

Ψ All dogs will be provided with appropriate socialization and training to become good companion animals.

Ψ All dog owners and breeders will obey all laws and ordinances of the community pertaining to dogs.

Ψ Any advertising oral or written shall be factual and not worded so as to attract undesirable buyers or encourage the raising of purebred dogs for profit.

Dog Buyers:

Ψ Always buy directly from a reputable breeder.

Ψ Look at the dam and sire before choosing a puppy.

Ψ Look at the conditions under which the pup was raised.

Ψ Ask for OFA#, eye certification, and shot records.

Ψ Ask for pedigree (at least three generations).

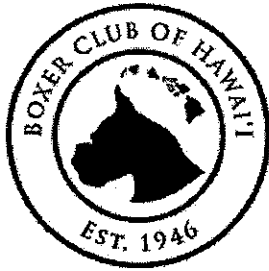
Ψ Research the breed standard. You're investing in a lifetime companion. Know what you're buying.

Ψ Be prepared to properly house, feed, train, and groom your new pet.

Ψ Read the Hawaiian Dog Fanciers Guidelines for Responsible Breeders.

AKC registration papers mean that the sire and dam of the puppies are registered with AKC. The papers DO NOT guarantee the quality of the puppies or that they will be free of genetic defects or other health problems. However, the pedigree does give some indication of quality. Ch. before the dog's name indicate that it is a champion which means that it has been shown in competition with other dogs of its breed and that at least three AKC judges have found it a worthy representative of its breed.

Web site: www.akc.org



Dear Committee Members on Finance:

My name is Theresa Donnelly, and I am urging you to pass SB 1522, pertaining to commercial dog breeding. I am the secretary of Boxer Club of Hawaii, a club founded in 1946 affiliated with the American Boxer Club and the American Kennel Club. For the last three years, I have consulted with hundreds of people looking to own a Boxer puppy. It saddens me to think there are no common-sense regulations in Hawaii to ensure the quality of dogs. Hawaii's strict quarantine laws make breeding purebred dogs a profitable business with the average Boxer puppy costing between \$1200 to \$1500 dollars. Boxer litters, like many other breeds, yield five to eight puppies. **For someone looking to make fast cash with absolutely no oversight, breeding dogs is a very lucrative venture.**

Selling unhealthy dogs is not only an animal welfare issue, but it destroys the breeding profession as a whole by allowing anyone to profit off the suffering of defenseless animals.

Last month, I volunteered at the Hawaiian Humane Society to assist with cleaning kennels rescued from a large-scale commercial breeder. The condition of the animals brought in was very sad. Several animals I saw had severe matting, rotting teeth, and were covered in dirt. I was especially unhappy to see two female Boxers, one having an enlarged nipple that had not been properly removed. I never thought I would see a Boxer from a puppy mill, and will make sure to warn our club members that here in Hawaii, it is a very real possibility that their litters could end up in these facilities.

The majority of "breeders" in Hawaii are not reputable show breeders, who care deeply about where their dogs end up, and these show breeders are NOT who this bill will target. Reputable breeders like me and many others, make no money off their animals because of voluntary breed health testing, medical bills, supplies and confirmation shows which demonstrate the quality of their stock.

I own a male Boxer that I have bred twice. I would gladly obtain a permit and be subject to unannounced inspections in my home. This would raise the level of care for all of our dogs and dissuade unscrupulous people looking to profit off animals by raising them inhumanly in sub-standard conditions.

Theresa Donnelly
Secretary, Boxer Club of Hawaii

3021 Anderson Ave
Honolulu, HI 96818
Theresa_pickard@yahoo.com

IN SUPPORT OF SB 1522

Testimony by : Sue White, "Furrygodmother of Hawaii "

The reasons to support SB 1522 have no doubt been well covered in the testimony of other supporters of this bill. One only has to look at the photos of the dogs taken from the recent Waimanalo rescue and to talk to their rescuers about their physical and emotional stated to want to pass this bill immediately without question. However there has been some opposing testimony, on particular aspects of the bill, that may give you pause. I would like to address those concerns.

1. Commercially bred dogs should be classified as "livestock".

This was a statement made by the lawyer for the Waimanalo rescue as to why dogs should legally be allowed to receive substandard care compared to pet dogs. Clearly he believes that animals that are being raised for money or for food have different responses to their care. That the emotional well-being of a dog or pig raised in a small, filthy enclosure should not matter to our society or for that matter, to the dog. A dog does not know if it is being raised as a "pet" or a "product". Its emotional and physical responses when raised in substandard conditions are the same. Therefore the minimal level of care must be the same.

2. Commercial breeders will not make a profit if they have to provide the level of veterinary care, space, nutrition and living conditions that are called for in the bill.

Our society does not have an obligation to ensure that the raising of dogs (or any other commercial adventure) is viable. Our society does have an obligation to ensure that dogs raised commercially receive a minimal level of care. If the breeders cannot make a profit

they should (as do all other business owners) change to a non-living product that does make them a profit.

3. In-home breeders and “commercial kennel” breeders cannot afford the registration fees called for in the bill.

If the profit margin for breeders is so low that they cannot afford to pay fees per dog, doesn't that beg the question of whether they have the reserves to pay for unexpected medical care such as a C-section and other crises that may arise due to breeding and raising of dogs? Again, if the profit margin is so low, they should cease to breed and go into another product line.

4. The American Kennel Club has “serious concerns” about this bill so we should too.

How credible is the AKC? The American Kennel Club is a registry of purebred dogs. It receives a fee, currently \$25 / litter and \$12 per puppy for each litter that it registers, according to their Litter Registration Form dated 10/10. In 1996 the AKC had a revenue of approx \$24 million dollars from registrations alone. In 1996 the AKC registered 1,333,599 dogs. In 2007 it registered 812,452. This is a decline of 39%. The AKC has a history of opposing regulation of large-scale breeding and here we may see the motivation for that. The AKC has never required health checks of its champions and has stated over and over that it cannot regulate puppy mills as it is not in its bylaws and charter (which they refuse to change). Despite its protestations, based on its actions, the AKC does not place the best interest and welfare of dogs over its desire to bolster its income from registration fees. Therefore the AKC should not weigh in on regulations for large-scale breeders and their concerns should be looked at skeptically by lawmakers.

5. "Hobby breeders" and others will be harmed by regulating the care of breeding stock. "

How responsible are breeders who have 20 plus breeding age females in their homes? I have heard reports of several breeders of small dogs here in Hawaii who have them in their homes under deplorable conditions. Being in a home does not in any way ensure proper care of the dogs.

There are many very good responsible breeders who own multiple intact breedable females. However the responsible breeders do not confine them to small areas where they can barely turn around, force them to breed every 6 months, deprive them of socialization, companionship and physical care and exercise and leave them heavily matted and forlorn. Instead, the responsible ones ensure that the emotional and physical health of these breeders is met by having them live with a co-owner who treats them as a pet, possibly competes with them in dog sports and loves them as a family member and only breeds them every few years with the advice and counsel of the breeder. These breeders welcome regulations as they have the best interest of dogs at heart and already are far exceeding any care requirements of this bill.

I strongly urge you to pass SB 1522.

Thankyou,

SUE

Sharon Sue White 1118 Maunawili Road Kailua, Hawaii 96734 PH (808) 262-0284

Testifying as a individual

Affiliations: Trainer and behavioral counselor

Director, Border Collie Rescue of Hawai Owner; "Furrygodmother Pet Services" and "Kealolo Canine Connection"

SB 1522

We received over 250
similar/form testimony
in SUPPORT.