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# A BILL FOR AN ACT

RELATING TO VETERINARY MEDICINE.

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

**PART I**

1  
2 SECTION 1. Section 471-15, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "~~[+]§471-15[+]~~ **Criminal penalties.** [~~Any~~] (a) Except as  
5 provided in subsection (b), any person convicted of violating  
6 section 471-2 shall have committed a misdemeanor and shall be  
7 subject to a fine not to exceed \$500 [~~or~~], imprisoned not more  
8 than six months, or both.

9 [Additionally,] (b) Any person convicted of violating  
10 section 471-2 and who in the course of that violation  
11 intentionally or knowingly performs any veterinary procedure on  
12 a pet animal shall have committed a class C felony. For  
13 purposes of this subsection, "pet animal" shall have the same  
14 meaning as in section 711-1100.

15 (c) In addition to the penalties provided in subsections  
16 (a) and (b), all tools, implements, appliances, medicine, and  
17 drugs used in the practice of veterinary medicine by any person  
18 convicted of practicing veterinary medicine without a license



1 shall be declared forfeited to the State by the court and turned  
2 over to the board for disposition as it may choose to make."

3 SECTION 2. Section 711-1108.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (2) to read as follows:

5 "(2) Subsection (1) shall not apply to:

6 (a) Accepted veterinary practices[+] performed by a person  
7 licensed under section 471-2;

8 (b) Activities carried on for scientific research governed  
9 by standards of accepted educational or medicinal  
10 practices; [~~or~~] and

11 (c) Cropping or docking as customarily practiced[+] and  
12 performed by a person licensed under section 471-2."

13 **PART II**

14 SECTION 3. The legislature finds that humane societies and  
15 animal rescue organizations across Hawaii collectively take in  
16 more than 50,000 animals each year and are often required to  
17 treat a large majority of those animals with various forms of  
18 veterinarian medicines. Spaying and neutering pets under the  
19 care of licensed veterinarians is one proven method of  
20 veterinarian treatment that can reduce pet overpopulation,  
21 euthanasia rates, nuisance animal behaviors, and dog bites--as  
22 sterilized dogs are less likely to become aggressive.



1 The purpose of this part is to:

2 (1) Establish a spay and neuter special fund; and

3 (2) Allow funds from an income tax check-off to be  
4 deposited into the special fund.

5 SECTION 4. Chapter 143, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8 **"§143- Spay and neuter special fund.** (a) There is  
9 established the spay and neuter special fund to be administered  
10 by the department of budget and finance. Moneys received by the  
11 department from:

12 (1) State income tax refund designations to the special  
13 fund pursuant to section 235-102.5(e); and

14 (2) Appropriations or other moneys made available,  
15 shall be deposited into the special fund. All interest earned  
16 or accrued on moneys deposited in the special fund shall become  
17 part of the special fund. Moneys in the special fund shall be  
18 expended to cover costs to reduce the number of feral animals  
19 through spaying and neutering, educate the public regarding the  
20 importance of spaying and neutering pets, and prevent homeless  
21 animal overpopulation; provided that moneys used shall follow  
22 the eligibility criteria established by the advisory committee.



1        (b) There is established an advisory committee consisting  
2 of no more than eight members to assist the department of budget  
3 and finance in establishing the eligibility criteria and  
4 procedures for disbursements from the special fund. The  
5 advisory committee shall include the following:

6        (1) One member from each county humane society that holds  
7 a county animal control contract;

8        (2) One member from two separate private nonprofit animal  
9 rescue, shelter, or protection organizations that do  
10 not hold a county animal control contract;

11       (3) One member representing licensed veterinarians in the  
12 State; and

13       (4) One member from the general public.

14 All members shall be selected by the director of finance, be  
15 residents of the State, and serve three-year terms. All members  
16 shall have an active interest in reducing the number of feral  
17 pets and educating the community regarding the benefits of pet  
18 population control in the State.

19       (c) The advisory committee shall submit to the director of  
20 finance a report in a form prescribed by the director  
21 identifying the total amount of funds that were disbursed from  
22 the special fund in each fiscal year and the amount of funds



1 carried over to the next fiscal year. The advisory committee  
2 shall submit the report to the director of finance within ninety  
3 days after the close of each fiscal year."

4 SECTION 5. Section 235-102.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 **"§235-102.5 Income check-off authorized.** (a) Any  
7 individual whose state income tax liability for any taxable year  
8 is \$3 or more may designate \$3 of the liability to be paid over  
9 to the Hawaii election campaign fund, any other law to the  
10 contrary notwithstanding, when submitting a state income tax  
11 return to the department. In the case of a joint return of a  
12 husband and wife having a state income tax liability of \$6 or  
13 more, each spouse may designate that \$3 be paid to the fund.  
14 The director of taxation shall revise the individual state  
15 income tax form to allow the designation of contributions to the  
16 fund on the face of the tax return and immediately above the  
17 signature lines. An explanation shall be included which clearly  
18 states that the check-off does not constitute an additional tax  
19 liability. If no designation was made on the original tax  
20 return when filed, a designation may be made by the individual  
21 on an amended return filed within twenty months and ten days  
22 after the due date for the original return for such taxable



1 year. A designation once made whether by an original or amended  
2 return may not be revoked.

3 (b) Notwithstanding any law to the contrary, any  
4 individual whose state income tax refund for any taxable year is  
5 \$2 or more may designate \$2 of the refund to be deposited into  
6 the school-level minor repairs and maintenance special fund  
7 established by section 302A-1504.5, when submitting a state  
8 income tax return to the department. In the case of a joint  
9 return of a husband and wife having a state income tax refund of  
10 \$4 or more, each spouse may designate that \$2 be deposited into  
11 the special fund. The director of taxation shall revise the  
12 individual state income tax return form to allow the designation  
13 of contributions to the special fund on the face of the tax  
14 return and immediately above the signature lines. If no  
15 designation was made on the original tax return when filed, a  
16 designation may be made by the individual on an amended return  
17 filed within twenty months and ten days after the due date for  
18 the original return for such taxable year. A designation once  
19 made, whether by an original or amended return, may not be  
20 revoked.

21 (c) Notwithstanding any law to the contrary, any  
22 individual whose state income tax refund for any taxable year is



1 \$2 or more may designate \$2 of the refund to be paid over to the  
2 libraries special fund established by section 312-3.6, when  
3 submitting a state income tax return to the department. In the  
4 case of a joint return of a husband and wife having a state  
5 income tax refund of \$4 or more, each spouse may designate that  
6 \$2 be deposited into the special fund. The director of taxation  
7 shall revise the individual state income tax form to allow the  
8 designation of contributions to the fund on the face of the tax  
9 return and immediately above the signature lines. If no  
10 designation was made on the original tax return when filed, a  
11 designation may be made by the individual on an amended return  
12 filed within twenty months and ten days after the due date for  
13 the original return for such taxable year. A designation once  
14 made, whether by an original or amended return, may not be  
15 revoked.

16 (d) Notwithstanding any law to the contrary, any  
17 individual whose state income tax refund for any taxable year is  
18 \$5 or more may designate \$5 of the refund to be paid over as  
19 follows:

- 20 (1) One-third to the Hawaii children's trust fund under  
21 section 350B-2; and  
22 (2) Two-thirds to be divided equally among:



1 (A) The domestic violence and sexual assault special  
2 fund under the department of health in section  
3 321-1.3;

4 (B) The spouse and child abuse special account under  
5 the department of human services in section  
6 346-7.5; and

7 (C) The spouse and child abuse special account under  
8 the judiciary in section 601-3.6.

9 When designated by a taxpayer submitting a state income tax  
10 return to the department, the department of budget and finance  
11 shall allocate the moneys among the several funds as provided in  
12 this subsection. In the case of a joint return of a husband and  
13 wife having a state income tax refund of \$10 or more, each  
14 spouse may designate that \$5 be paid over as provided in this  
15 subsection. The director of taxation shall revise the  
16 individual state income tax form to allow the designation of  
17 contributions pursuant to this subsection on the face of the tax  
18 return and immediately above the signature lines. If no  
19 designation was made on the original tax return when filed, a  
20 designation may be made by the individual on an amended return  
21 filed within twenty months and ten days after the due date for  
22 the original return for such taxable year. A designation once





1 made, whether by an original or amended return, may not be  
2 revoked.

3 (e) Notwithstanding any law to the contrary, any  
4 individual whose state income tax refund for any taxable year is  
5 \$5 or more may designate \$5 of the refund to be deposited into  
6 the spay and neuter special fund established under section  
7 143- , when submitting a state income tax return to the  
8 department. In the case of a joint return of a husband and wife  
9 having a state income tax refund of \$10 or more, each spouse may  
10 designate that \$5 be deposited into the special fund. The  
11 director of taxation shall revise the individual state income  
12 tax form to allow the designation of contributions to the fund  
13 on the face of the tax return and immediately above the  
14 signature lines. If no designation was made on the original tax  
15 return when filed, a designation may be made by the individual  
16 on an amended return filed within twenty months and ten days  
17 after the due date for the original return for such taxable  
18 year. A designation once made, whether by an original or  
19 amended return, may not be revoked."

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**PART III**

1 SECTION 6. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 7. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect on July 1, 2012;  
7 provided that:

8 (1) Section 5 of this Act shall apply to taxable years  
9 beginning after December 31, 2012; and

10 (2) Part II of this Act shall be repealed on December 31,  
11 2017.



**Report Title:**

Veterinary Medicine; Unlawful; Spay and Neuter Special Fund;  
Income Check-off

**Description:**

Makes intentional or knowing performance of a veterinary procedure on a pet animal by an unlicensed person a class C felony. Clarifies that accepted veterinary practices and the cropping of ears or the docking of a tail of a pet animal are exempt from criminal penalties for animal cruelty only if performed by a licensed veterinarian. Establishes a spay and neuter special fund and allows funds from an income tax check-off to be deposited into the special fund; repeals 12/31/2017. Income tax check-off applies to taxable years after 12/31/2012. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

