

JAN 20 2012

A BILL FOR AN ACT

RELATING TO PUPPY MILLS.

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

1 SECTION 1. The legislature finds that the large-scale
2 breeding of dogs at puppy mills may be done under cruel and
3 inhumane conditions that may inflict long-term suffering for a
4 dog bred at the puppy mill, or result in pet consumers
5 unknowingly acquiring an unhealthy pet dog from a puppy mill.
6 Existing laws do not sufficiently protect dogs bred at large-
7 scale puppy mill operations or help prevent pet consumers from
8 acquiring an unhealthy puppy from a puppy mill.

9 The purpose of this Act is to:

- 10 (1) Require dog breeders of ten or more female dogs used
11 for breeding to meet minimum care requirements to
12 ensure the proper treatment and care of dogs and their
13 offspring;
- 14 (2) Prohibit dog breeders from owning or having custody of
15 fifty or more dogs used for the purposes of breeding
16 and sale of the dog's offspring; and



1 (3) Require pet sellers to provide specific written
2 documentation regarding each dog sold in order to
3 protect pet consumers.

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

7 "CHAPTER

8 PUPPY MILL CRUELTY PREVENTION ACT

9 § -1 **Definitions.** As used in this chapter unless the
10 context otherwise requires:

11 "Adequate grooming" means basic grooming sufficient to
12 prevent excessive curling of nails or excessive matting of the
13 dog's fur.

14 "Adequate rest between breeding cycles" means the period of
15 time in which reproductively intact female covered dogs are not
16 bred to produce, at minimum, more than two litters in any
17 eighteen-month period.

18 "Covered dog" means any animal that is wholly or in part of
19 the species *Canis lupus familiaris* over the age of six months
20 with intact sexual organs.

21 "Necessary veterinary care" means care by a veterinarian
22 licensed under chapter 471 for:



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- 1 (1) An examination performed at least once a year;
- 2 (2) Prompt treatment of any illness or injury; and
- 3 (3) Humane euthanasia using techniques approved by the
- 4 American Veterinary Medical Association when the
- 5 veterinarian determines euthanasia is necessary.

6 "Person" means any individual, firm, partnership, joint
7 venture, association, limited liability company, corporation,
8 estate, trust, receiver, or syndicate.

9 "Pet" means any domesticated dog normally maintained in or
10 near the household of the owner.

11 "Pet seller" means any person who sells pets to the public
12 or to a retail pet store, or who maintains custody or ownership
13 of more than ten reproductively intact female covered dogs for
14 the purpose of breeding and selling their offspring as pets;
15 provided that "pet seller" shall not apply to humane societies,
16 or animal control, rescue, or care organizations exempt under
17 title 26 United States Code section 501(c)(3).

18 "Puppy mill" means a person or entity who maintains custody
19 or ownership of more than ten reproductively intact female
20 covered dogs for the purpose of breeding and selling the dog's
21 offspring as pets.



1 "Regular exercise" means unfettered access to an outdoor
2 exercise area that is composed of a solid, ground-level surface
3 with adequate drainage that provides:

- 4 (1) Adequate protection from the sun, wind, and rain; and
- 5 (2) At least twice the square footage of indoor floor
6 space for each covered dog.

7 "Retail pet store" means a retail establishment engaged in
8 the business of buying, selling, exchanging, or offering pets to
9 the public, but does not engage in the breeding of covered dogs
10 for the purpose of selling any offspring as pets.

11 "Sufficient food and clean water" means access to
12 appropriate nutritious food at least once a day sufficient to
13 maintain good health; and continuous access to potable water
14 free of debris, feces, algae, and other contaminants.

15 "Sufficient housing or shelter" means constant and
16 unfettered access to an indoor enclosure that:

- 17 (1) Has a solid floor;
- 18 (2) Is not stacked or otherwise placed on top of or below
19 another covered dog's enclosure;
- 20 (3) Is cleaned at least once a day of waste while the
21 covered dog is outside of the enclosure; and



1 (4) Has a temperature between forty-five and eighty-five
2 degrees Fahrenheit.

3 "Sufficient space for movement" means space for a covered
4 dog to turn and stretch freely, lie down, and fully extend limbs
5 that includes the following:

6 (1) Sufficient indoor space for each covered dog to turn
7 in a complete circle without any impediments,
8 including a tether;

9 (2) Sufficient indoor space for each covered dog to lie
10 down and fully extend limbs and stretch freely without
11 touching the sides of the enclosure or another covered
12 dog;

13 (3) At least one foot of headroom above the head of the
14 tallest covered dog in the enclosure; and

15 (4) At least:

16 (A) Twelve square feet of indoor floor space for each
17 covered dog up to twenty-five inches long;

18 (B) Twenty square feet of indoor floor space for each
19 covered dog over twenty-five inches long and less
20 than thirty-five inches long; or

21 (C) Thirty square feet of indoor floor space for each
22 covered dog thirty-five inches or longer;



1 provided that the length of the covered dog shall be
2 measured from the tip of the nose to the base of the
3 tail.

4 § -2 Minimum care requirements for ten or more covered

5 dogs. (a) Notwithstanding any other law to the contrary, any
6 person having custody or owning more than ten female covered
7 dogs for the purpose of breeding and selling the dog's offspring
8 as pets shall provide the following for each covered dog:

- 9 (1) Adequate grooming;
- 10 (2) Adequate rest between breeding cycles;
- 11 (3) Necessary veterinary care;
- 12 (4) Regular exercise;
- 13 (5) Sufficient food and clean water;
- 14 (6) Sufficient housing or shelter; and
- 15 (7) Sufficient space for movement.

16 (b) This section shall not apply to:

- 17 (1) A covered dog during the following:
 - 18 (A) Examination, testing, operation, recuperation, or
 - 19 other individual treatment for veterinary
 - 20 purposes;
 - 21 (B) Lawful scientific purposes;
 - 22 (C) Transportation;



- 1 (D) Cleaning of the covered dog's enclosure;
- 2 (E) Supervised outdoor exercise; or
- 3 (F) Any emergency that places a covered dog's life in
- 4 imminent danger;

5 (2) Any retail pet store; animal shelter or humane
6 society; or hobby or show breeders who have custody of
7 no more than ten female covered dogs for the purposes
8 of breeding and selling the dog's offspring as pets;
9 and

10 (3) A dog trainer who does not breed or sell dogs as pets.

11 **§ -3 Custody of more than fifty covered dogs prohibited.**

12 (a) It shall be unlawful for any person to have custody of more
13 than fifty covered dogs for the purpose of breeding and selling
14 the dog's offspring as pets.

15 (b) This section shall not apply to a person who owns or
16 has custody of any number of covered dogs that are not used for
17 the purpose of breeding and selling the dog's offspring as pets.

18 **§ -4 Pet sellers.** (a) Upon sale or exchange of a pet,
19 pet sellers shall deliver the following information:

- 20 (1) The name, address, and license information, if
- 21 licensed by the United States Department of
- 22 Agriculture, of the puppy mill;



- 1 (2) The date of the pet's birth, if known;
- 2 (3) The date the pet seller received the pet, if
- 3 applicable;
- 4 (4) The breed, sex, color, and identifying marks of the
- 5 pet; and
- 6 (5) The veterinarian information, including the following,
- 7 if applicable:
 - 8 (A) A record of each inoculation and worming
 - 9 treatment, if any, including the dates and types
 - 10 of treatments administered;
 - 11 (B) A record of any veterinarian treatments or
 - 12 medications received while the pet was in the
 - 13 possession of the pet seller;
 - 14 (C) A receipt or other documentation signed by a
 - 15 veterinarian licensed under chapter 471,
 - 16 indicating that the pet was spayed or neutered;
 - 17 and
 - 18 (D) A document stating that the pet has no known
 - 19 diseases or illnesses; or describes any known
 - 20 diseases or illnesses of the pet or congenital or
 - 21 hereditary conditions that may adversely affect
 - 22 the health of the pet at the time of sale or



1 exchange or is likely to adversely affect the
2 health of the pet in the future.

3 (b) A pet seller shall attest to delivery of these
4 documents by signing all applicable documents required under
5 subsection (a) and retaining copies of all documents for a
6 period of not less than two years after the sale or exchange of
7 the pet. The pet seller shall make all completed and signed
8 documents available for inspection and copying upon request from
9 a humane officer, animal control officer, or law enforcement
10 officer.

11 (c) Any pet seller who knowingly or intentionally violates
12 this section shall be guilty of a petty misdemeanor.

13 § -5 **Penalties.** Any person who knowingly,
14 intentionally, or recklessly violates section -2 or section
15 -3 shall be guilty of committing puppy mill cruelty, which is
16 a misdemeanor. Each violation shall constitute a separate
17 offense. If the circumstances warrant a charge of cruelty to
18 animals in the second degree prescribed under section 711-1109,
19 the defendant may be charged with violating that section
20 instead."

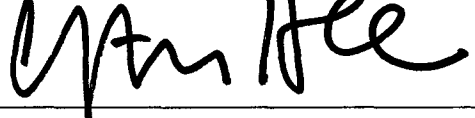


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1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

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

11
INTRODUCED BY: 



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Report Title:

Puppy Mills; Animal Cruelty

Description:

Requires dog breeders of ten or more female dogs used for breeding to meet minimum care requirements to ensure the proper treatment and care of dogs and their offspring. Prohibits dog breeders from owning or having custody of fifty or more dogs used for the purposes of breeding and sale of the dog's offspring. Requires pet sellers to provide specific written documentation regarding each dog sold in order to protect pet consumers.

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

