

JAN 20 2012

S.B. NO. 2492

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# A BILL FOR AN ACT

RELATING TO ANIMAL CRUELTY.

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

1           SECTION 1. The legislature finds that an estimated forty-  
2 three per cent of households in Hawaii include a dog. Profit-  
3 driven breeding is prevalent in Hawaii and recent research by  
4 the Hawaiian Humane Society reveals that on Oahu, during a two-  
5 week period in November, over three hundred sixty puppies were  
6 available for sale. When projected over a one-year period,  
7 revenues from sales of dogs may be equal to or exceed  
8 \$9,400,000.

9           The legislature further finds that a law is needed to  
10 ensure that dogs at large-scale breeding facilities receive  
11 sanitary living conditions, proper and timely medical care, the  
12 ability to move freely at least once per day, and adequate  
13 shelter from the elements. Existing state and federal laws  
14 regarding the care and husbandry of dogs inadequately regulate  
15 large-scale breeding facilities in Hawaii. Inadequate  
16 regulation places an unfair fiscal burden on the county and  
17 state taxpayers, government agencies, and nongovernmental



1 organizations, whose resources contribute to the care of dogs  
2 discarded or abused by large-scale breeding facilities.

3 The purpose of this Act is to:

4 (1) Require owners of ten or more dogs over the age of six  
5 months with sexual organs intact to meet minimum  
6 standards of care to ensure the proper treatment and  
7 care of the dogs and their offspring;

8 (2) Prohibit the ownership or custody of more than thirty  
9 dogs over the age of six months with intact sexual  
10 organs; and

11 (3) Require owners of ten or more dogs over the age of six  
12 months with sexual organs intact to maintain specific  
13 written records of each dog for a specified period.

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

17 **"CHAPTER**

18 **PREVENTION OF CRUELTY TO DOGS**

19 **"§ -A Definitions.** (a) As used in this chapter:

20 "Dog" means any animal that is wholly or in part of the  
21 subspecies *Canis lupus familiaris*.



1 "Litter" means one or more dogs that are born to the same  
2 mother at the same time.

3 "Person" means any individual, firm, partnership, joint  
4 venture, association, limited liability company, corporation,  
5 estate, trust, receiver, or syndicate; provided that the term  
6 shall not include:

7 (1) An animal control or welfare agency exempt under title  
8 26 United States Code section 501(c)(3);

9 (2) A person who provides care for dogs at the request of  
10 a government agency; or

11 (3) A veterinary clinic.

12 "Regular exercise" means:

13 (1) Walking the dog on a leash; or

14 (2) Allowing the dog to move about freely,

15 for at least one hour each day at an outdoor or indoor exercise  
16 area that provides at least four times the square footage of  
17 indoor floor space required for each dog.

18 "Sufficient food and clean water" means access to adequate  
19 amounts of clean food; and continuous access to potable water  
20 that is substantially free from debris.

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



- 1 (1) Is sufficiently ventilated at all times to minimize  
2 odors, drafts, ammonia levels, and to prevent moisture  
3 condensation;
- 4 (2) Has a means of fire suppression, such as functioning  
5 fire extinguishers, located within forty feet of the  
6 cage or enclosure;
- 7 (3) Has sufficient lighting to allow for observation of  
8 the dogs at any time of day or night;
- 9 (4) Is not placed more than forty-two inches above the  
10 floor;
- 11 (5) Is not stacked or otherwise placed on top of or below  
12 another dog's cage or primary enclosure; and
- 13 (6) Is cleaned at least once a day of feces, hair, dirt,  
14 debris, and food waste.

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

- 18 (1) Sufficient indoor space for each dog to lie down and  
19 fully extend limbs and stretch freely without touching  
20 the sides of the enclosure or another dog;



1           (2) At least six inches of headroom above the head of the  
2           tallest dog in the enclosure when it is in a normal  
3           standing position; and

4           (3) A square footage that is at least three times the  
5           length and width of the longest dog in the enclosure;  
6           provided that the length of the dog shall be measured  
7           from the tip of the nose to the base of the tail.

8           "Veterinary care" means an examination performed at least  
9           once a year by a veterinarian licensed under chapter 471.

10          §    **-B Limit on number of dogs.** No person shall own,  
11          possess, control, or otherwise have charge or custody of more  
12          than thirty dogs with intact sexual organs over the age of six  
13          months at any time.

14          §    **-C Standard of care; recordkeeping.** (a) Any person  
15          who owns, possesses, controls, or otherwise has charge or  
16          custody of more than ten dogs over the age of six months with  
17          intact sexual organs shall provide the following for each dog:

- 18           (1) Sufficient space for movement;
- 19           (2) Regular exercise;
- 20           (3) Sufficient housing or shelter;
- 21           (4) Sufficient food and clean water;
- 22           (5) A microchip implanted under the skin; and



1           (6) Annual veterinary care;  
2 provided that regular exercise shall apply only to dogs aged  
3 four months and older; provided further that no microchip shall  
4 be implanted in any dog aged four months or less.

5           (b) Any person who owns, possesses, controls, or otherwise  
6 has charge or custody of more than ten dogs over the age of six  
7 months with intact sexual organs shall not breed any dog unless  
8 the dog is between the ages of twelve months and eight years of  
9 age. No person who owns, possesses, controls, or otherwise has  
10 charge or custody of more than ten dogs over the age of six  
11 months with intact sexual organs shall breed any dog determined  
12 by a veterinarian to be unfit for breeding purposes.

13           (c) Any person who owns, possesses, controls, or otherwise  
14 has charge or custody of more than ten dogs over the age of six  
15 months with intact sexual organs shall maintain a record for  
16 each dog including the following information:

17           (1) All health care treatment;

18           (2) The date of birth for the dog or, if the date of birth  
19 is unknown, the date the person acquired possession,  
20 control, or charge of the dog and the source of the  
21 dog;

22           (3) The dates on which the dog has been bred;



- 1           (4) For a female, the number of dogs in each litter  
2                   produced; and
- 3           (5) The disposition the person makes of each dog possessed  
4                   by, controlled by, or in the charge of the person,  
5                   including the date of disposition, manner of  
6                   disposition, and the name and address information for  
7                   any person taking possession, control or charge of a  
8                   dog.

9           Records shall be retained for at least three years  
10 following the death of the dog or a date on which the person  
11 permanently ceased to have possession or control of the dog.

12           §   -D   **Prohibitions on certain types of dogs in the same**  
13 **enclosure.** (a) Any person who owns, possesses, controls, or  
14 otherwise has charge or custody of more than ten dogs over the  
15 age of six months with intact sexual organs shall not place:

16           (1) A dog with a vicious or aggressive disposition in an  
17                   enclosure with another dog, except for breeding  
18                   purposes;

19           (2) Breeding females in heat in the same enclosure at the  
20                   same time with sexually mature males, except for  
21                   breeding purposes;

1 (3) Breeding females and their litters in the same  
2 enclosure at the same time with other adult dogs; and

3 (4) Puppies aged twelve weeks or younger in the same  
4 enclosure at the same time with other adult dogs,  
5 other than the dam or foster dam, unless under  
6 immediate supervision.

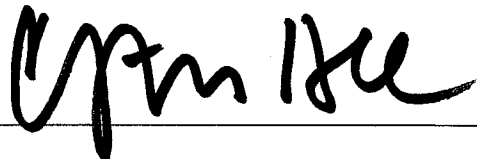
7 § -E Penalty. Any person who violates section -B,  
8 -C, or -D shall be guilty of a misdemeanor. Each  
9 violation shall constitute a separate offense. If the  
10 circumstances warrant a charge of cruelty to animals in the  
11 second degree prescribed under section 711-1109, the defendant  
12 may be charged with violating that section instead.

13 SECTION 3. In codifying the new sections added by section  
14 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY:





**Report Title:**

Animal Cruelty; Dog Breeders

**Description:**

Requires specified persons who own, control, or have custody or control of ten or more dogs over age six months with sexual organs intact to meet minimum standards of care to ensure the proper treatment and care of dogs and their offspring.

Prohibits any person from owning or having custody of more than thirty dogs over age six months with sexual organs intact.

Requires specified persons to maintain specific records for each dog for at least three years following the death of the dog or a date on which the person permanently ceased to have possession or control of the dog. Prohibits certain types of dogs in the same enclosure with other dogs. Establishes penalties.

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

