
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 receive sanitary living conditions, proper and
11 timely medical care, the ability to move freely at least once a
12 day, and adequate shelter from the elements. Inadequate
13 regulation places an unfair fiscal burden on county and state
14 taxpayers, government agencies, and nongovernmental
15 organizations, whose resources contribute to the care of dogs
16 discarded or abused by large-scale breeding facilities.

17 The purpose of this Act is to:



1 (1) Require owners of more than ten dogs over the age of
2 six months with intact sexual organs to meet minimum
3 standards of care to ensure the proper treatment and
4 care of the dogs and the dogs' offspring;

5 (2) Prohibit the ownership or custody of more than thirty
6 dogs over the age of six months with intact sexual
7 organs; and

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

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

15 "CHAPTER

16 PREVENTION OF CRUELTY TO DOGS

17 § -1 Definitions. As used in this chapter:

18 "Covered dog" means any dog that is over the age of six
19 months and has intact sexual organs.

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



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

- 5 (1). An animal control or welfare agency tax exempt under
6 title 26 United States Code section 501(c)(3);
- 7 (2) A person who provides care for dogs at the request of
8 a government agency;
- 9 (3) A veterinary clinic;
- 10 (4) A boarding facility that only houses dogs temporarily
11 and prohibits the breeding of dogs or selling of dogs;
12 or
- 13 (5) A person entered in and actively participating in a
14 sanctioned dog show.

15 "Primary enclosure" means any kennel, cage, or structure
16 used to restrict a covered dog as defined in this section to a
17 limited area of space.

18 "Premise" means any place, building, or part thereof.

19 "Regular exercise" means providing the dog with constant
20 and unfettered access to an outdoor or indoor exercise area that
21 provides at least four times the square footage of a dog's



1 primary enclosure required for each dog pursuant to paragraph
2 (3) of the definition of "sufficient space for movement".

3 "Sufficient food and clean water" means access to adequate
4 amounts of appropriately nutritious food to maintain good
5 health; and continuous access to potable water that is
6 substantially free from debris, feces, algae, and other
7 contaminants.

8 "Sufficient housing or shelter" means constant and
9 unfettered access to a primary enclosure that:

- 10 (1) Is sufficiently ventilated at all times to minimize
11 odors, drafts, and ammonia levels, and to prevent
12 moisture condensation;
- 13 (2) Has a means of fire suppression, such as functioning
14 fire extinguishers, located within forty feet of the
15 primary enclosure;
- 16 (3) Has sufficient lighting to allow for observation of
17 the dogs at any time of day or night;
- 18 (4) Is not stacked or otherwise placed on top of or below
19 another animal's primary enclosure; and
- 20 (5) Is cleaned at least once a day of feces, hair, dirt,
21 debris, and food waste.



1 "Sufficient space for movement" means the following for a
2 primary enclosure:

3 (1) Sufficient space for each dog to lie down and fully
4 extend its limbs and stretch freely without touching
5 the sides of the enclosure or another dog, and to turn
6 in a complete circle without any impediments,
7 including a tether;

8 (2) At least twelve inches of headroom above the head of
9 the tallest dog in the primary enclosure when it is in
10 a normal standing position; and

11 (3) A square footage that includes at least:

12 (A) Twelve square feet of indoor floor space for each
13 dog that is not more than twenty-five inches in
14 length;

15 (B) Twenty square feet of floor space for each dog
16 that is not more than twenty-five inches and not
17 more than thirty-five inches in length; and

18 (C) Thirty square feet of floor space for each dog
19 that is more than thirty-five inches in length;
20 provided that the length of the dog shall be measured
21 from the tip of the nose to the base of the tail.

22 "Sufficient veterinary care" means, at minimum:



- 1 (1) An examination performed at least once a year by a
- 2 veterinarian licensed under chapter 471;
- 3 (2) Prompt treatment of any illness or injury by a
- 4 veterinarian licensed under chapter 471; and
- 5 (3) Humane euthanasia, when needed, by a veterinarian
- 6 licensed under chapter 471, using lawful techniques
- 7 deemed acceptable by the American Veterinary Medical
- 8 Association.

9 § -2 **Limit on number of dogs.** No person shall own,
10 possess, control, or otherwise have charge or custody at any
11 time of more than thirty covered dogs per premise.

12 § -3 **Standard of care; recordkeeping.** (a) Any person
13 who owns, possesses, controls, or otherwise has charge or
14 custody of more than ten covered dogs per premise shall provide
15 the following for each dog:

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



1 (b) Any person who owns, possesses, controls, or otherwise
2 has charge or custody of more than ten covered dogs per premise
3 shall maintain a record for each dog and the dog's offspring
4 that includes the following information:

5 (1) A record of the implantation of a microchip, and the
6 identification information from the microchip;

7 (2) All veterinary treatment, including the following:

8 (A) A record of each inoculation and de-worming
9 treatment, if any, including the dates and types
10 of treatments administered; and

11 (B) A record of any veterinary treatments or
12 medications received;

13 (3) The date of birth of each covered dog or, if the date
14 of birth is unknown, the date the person acquired
15 possession, control, or charge of the dog and the
16 source of the dog;

17 (4) The dates on which a covered dog has been bred;

18 (5) For a female, the number of dogs in each litter
19 produced; and

20 (6) The disposition the person makes of each dog possessed
21 by, controlled by, or in the charge of the person,
22 including the date of disposition, manner of



1 disposition, and the name and address information for
2 any person taking possession, control or charge of a
3 dog.

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

7 **§ -4 Prohibitions on certain types of dogs in the same**
8 **enclosure.** No person who owns, possesses, controls, or
9 otherwise has charge or custody of more than ten covered dogs
10 per premise shall place:

- 11 (1) A dog with a vicious or aggressive disposition in an
12 enclosure with another dog;
- 13 (2) Breeding females in heat in the same enclosure at the
14 same time with sexually mature males, except for
15 breeding purposes;
- 16 (3) Nursing females and their litters in the same
17 enclosure at the same time with other adult dogs; and
- 18 (4) Puppies aged twelve weeks or younger in the same
19 enclosure at the same time with other adult dogs,
20 other than the dam or foster dam, unless under
21 immediate and constant supervision.



1 § -5 **Penalty.** Any person who violates section -2,
2 -3, or -4 shall be guilty of a misdemeanor. Each
3 violation shall constitute a separate offense. If the
4 circumstances warrant a charge of cruelty to animals in the
5 second degree prescribed under section 711-1109, the defendant
6 may be charged with violating that section instead.

7 § -6 **Applicability of chapter.** Any violation of section
8 -2, -3, or -4 shall be in addition to and not in lieu
9 of any other state and federal laws protecting animal welfare,
10 except as provided in section -5. Sections -2, -3, and
11 -4 shall not be construed to limit any state law, rule, or
12 regulation protecting the welfare of animals, nor shall anything
13 in these sections prevent a local governing body from adopting
14 and enforcing its own animal welfare laws and regulations in
15 addition to these sections."

16 SECTION 3. This Act shall take effect on January 7, 2059.



Report Title:

Animal Cruelty; Dog Breeders

Description:

Requires specified persons who own, control, or have custody or control of ten or more covered dogs to ensure the proper treatment and care of dogs and the dogs' offspring. Prohibits any person from owning or having custody of more than thirty dogs. Requires specified persons to maintain specific records for each dog for at least three years following the death of the covered 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. Establishes penalties. Effective January 7, 2059. (SB2492 HD1)

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