
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
5 four months with intact sexual organs to meet minimum
6 standards of care to ensure the proper treatment and
7 care of the dogs and the dogs' offspring;

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

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

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

18 "CHAPTER

19 PREVENTION OF CRUELTY TO DOGS

20 § -1 Definitions. As used in this chapter:

21 "Dog" means any animal that is wholly or in part of the
22 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 tax exempt under
8 title 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 providing the dog with constant
13 and unfettered access to an outdoor or indoor exercise area that
14 provides at least four times the square footage of indoor floor
15 space required for each dog pursuant to paragraph (3) of the
16 definition of "sufficient housing or shelter".

17 "Sufficient food and clean water" means access to adequate
18 amounts of appropriately nutritious food to maintain good
19 health; and continuous access to potable water that is
20 substantially free from debris, feces, algae, and other
21 contaminants.



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

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

17 "Sufficient space for movement" means 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, and to turn
21 in a complete circle without any impediments,
22 including a tether;



- 1 (2) At least twelve inches of headroom above the head of
- 2 the tallest dog in the enclosure when it is in a
- 3 normal standing position; and
- 4 (3) A square footage that includes at least:
 - 5 (A) Twelve square feet of indoor floor space for each
 - 6 dog that is no more than twenty-five inches in
 - 7 length;
 - 8 (B) Twenty square feet of indoor floor space for each
 - 9 dog that is no less than twenty-five inches and
 - 10 no more than thirty-five inches in length; and
 - 11 (C) Thirty square feet of indoor floor space for each
 - 12 dog that is more than thirty-five inches in
 - 13 length;
- 14 provided that the length of the dog shall be measured
- 15 from the tip of the nose to the base of the tail.

16 "Sufficient veterinary care" means, at minimum:

- 17 (1) An examination performed at least once a year by a
- 18 veterinarian licensed under chapter 471;
- 19 (2) Prompt treatment of any illness or injury by a
- 20 veterinarian licensed under chapter 471; and
- 21 (3) Humane euthanasia, when needed, by a veterinarian
- 22 licensed under chapter 471, using lawful techniques



1 deemed acceptable by the American Veterinary Medical
2 Association.

3 § -2 **Limit on number of dogs.** No person shall own,
4 possess, control, or otherwise have charge or custody of more
5 than thirty dogs with intact sexual organs each over the age of
6 one year at any time.

7 § -3 **Standard of care; recordkeeping.** (a) Any person
8 who owns, possesses, controls, or otherwise has charge or
9 custody of more than ten dogs over the age of four months with
10 intact sexual organs shall provide the following for each dog:

- 11 (1) Regular exercise;
- 12 (2) Sufficient food and clean water;
- 13 (3) Sufficient housing or shelter;
- 14 (4) Sufficient space for movement;
- 15 (5) Sufficient veterinary care; and
- 16 (6) A microchip implanted under the skin;

17 provided that no microchip shall be implanted in any dog aged
18 less than four months.

19 (b) No person who owns, possesses, controls, or otherwise
20 has charge or custody of more than ten dogs over the age of four
21 months with intact sexual organs shall breed any dog unless the
22 dog is between the ages of twelve months and eight years of age.



1 No dog shall be bred to produce more than two litters in any
2 eighteen month period. No person who owns, possesses, controls,
3 or otherwise has charge or custody of more than ten dogs over
4 the age of four months with intact sexual organs shall breed any
5 dog determined by a veterinarian to be unfit for breeding
6 purposes.

7 (c) Any person who owns, possesses, controls, or otherwise
8 has charge or custody of more than ten dogs over the age of four
9 months with intact sexual organs shall maintain a record for
10 each dog and the dog's offspring including the following
11 information:

12 (1) Each breeding dog shall be identified by the
13 implantation of a microchip, and each dog's health
14 records shall accurately record the appropriate
15 identification;

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

17 (A) A record of each inoculation and de-worming
18 treatment, if any, including the dates and types
19 of treatments administered; and

20 (B) A record of any veterinary treatments or
21 medications received;



- 1 (3) The date of birth of the dog or, if the date of birth
2 is unknown, the date the person acquired possession,
3 control, or charge of the dog and the source of the
4 dog;
- 5 (4) The dates on which the dog has been bred;
- 6 (5) For a female, the number of dogs in each litter
7 produced; and
- 8 (6) The disposition the person makes of each dog possessed
9 by, controlled by, or in the charge of the person,
10 including the date of disposition, manner of
11 disposition, and the name and address information for
12 any person taking possession, control or charge of a
13 dog.

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

17 § -4 **Prohibitions on certain types of dogs in the same**
18 **enclosure.** No person who owns, possesses, controls, or
19 otherwise has charge or custody of more than ten dogs over the
20 age of four months with intact sexual organs shall place:



- 1 (1) A dog with a vicious or aggressive disposition in an
2 enclosure with another dog, except for breeding
3 purposes;
- 4 (2) Breeding females in heat in the same enclosure at the
5 same time with sexually mature males, except for
6 breeding purposes;
- 7 (3) Breeding females and their litters in the same
8 enclosure at the same time with other adult dogs; and
- 9 (4) Puppies aged twelve weeks or younger in the same
10 enclosure at the same time with other adult dogs,
11 other than the dam or foster dam, unless under
12 immediate and constant supervision.

13 § -5 **Penalty.** Any person who violates section -2,
14 -3, or -4 shall be guilty of a misdemeanor. Each
15 violation shall constitute a separate offense. If the
16 circumstances warrant a charge of cruelty to animals in the
17 second degree prescribed under section 711-1109, the defendant
18 may be charged with violating that section instead.

19 § -6 **Severability.** Any violation of section -2,
20 -3, or -4 shall be in addition to and not in lieu of any
21 other state and federal laws protecting animal welfare.

22 Sections -2, -3, and -4 shall not be construed to limit



1 any state law, rule, or regulation protecting the welfare of
2 animals, nor shall anything in these sections prevent a local
3 governing body from adopting and enforcing its own animal
4 welfare laws and regulations in addition to these sections."

5 SECTION 3. This Act shall take effect on July 1, 2050.



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 four months with intact sexual organs to meet minimum standards of care 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 over age of one year with intact sexual organs. 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. Establishes penalties. Effective 07/01/50.
(SD1)

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