

JAN 25 2012

A BILL FOR AN ACT

RELATING TO DOG BREEDERS.

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

1 SECTION 1. The legislature finds that Hawaii does not
2 currently regulate the commercial breeding of dogs. However, in
3 early 2011, the discovery of a puppy mill in Waimanalo focused
4 attention on dog breeders and the potential for cruel and
5 inhumane conditions.

6 The legislature further finds the Animal Welfare Act was
7 first enacted by Congress in 1966. This federal law requires
8 licensure and regulation of certain types of businesses that
9 fall under the category of animal dealers. However, the law
10 exempts businesses, such as the Waimanalo puppy mill, which fall
11 under certain categories, including retail pet stores, retail
12 chain stores, hobby breeders, and direct sales.

13 During the regular session of 2011, S.B. No. 1522, S.D. 2,
14 H.D. 1, was introduced. This measure proposed that the
15 department of commerce and consumer affairs issue licenses to
16 large-scale dog breeders after the breeders meet certain
17 licensure requirements, and authorized the department's director
18 to enforce the new law. S.C.R. No. 111, S.D. 1, was also



1 adopted during the regular session of 2011. This resolution
2 directed the auditor to conduct a sunrise review of the
3 regulation of large-scale dog breeders and dog breeding
4 facilities, as proposed under S.B. No. 1522, S.D. 2, H.D. 1.

5 In October 2011, the office of the auditor issued its
6 corresponding report. According to the auditor's report, S.B.
7 No. 1522, S.D. 2, H.D. 1, did not meet the criteria for
8 regulation of large-scale dog breeders through the State's
9 regulatory agency. However, the report did cite other
10 alternatives that could be used to protect dogs, including laws
11 in other states, the American Veterinary Medical Association's
12 model law, a county-based regulatory model, and puppy lemon
13 laws.

14 In considering the strengths of various states' laws and
15 the most appropriate structure for regulating dog breeders, the
16 legislature finds merit in authorizing counties to conduct or
17 contract for inspections and to implement minimum requirements
18 for the housing and treatment of dogs bred for commercial
19 purposes. The counties are presently charged with issuing dog
20 licenses and regulating animals pursuant to chapter 143, Hawaii
21 Revised Statutes.



1 The legislature also finds that the counties currently have
2 in place the structure, personnel, and contracts with humane
3 organizations to handle animal control. In contrast, the
4 legislature understands that the department of commerce and
5 consumer affairs is not equipped to administer regulation of
6 animal breeders and recognizes that the department of
7 agriculture's resources are also strained by its existing
8 duties.

9 The legislature additionally finds that there is not
10 reliable information on the number and size of large-scale dog
11 breeders in the State. While it is believed that Oahu has
12 approximately twenty large-scale dog breeders and the island of
13 Hawaii has approximately ten, it is also believed that Maui and
14 Kauai do not have any.

15 Rather than impose statewide statutes regarding commercial
16 dog breeders and their facilities, the legislature finds that
17 regulation at the county level is the most reasonable approach
18 in addressing commercial dog breeders.

19 The legislature understands that county officials may have
20 concerns associated with the costs and responsibility of
21 regulating commercial dog breeders. However, the legislature
22 notes that the Hawaiian Humane Society on Oahu has indicated a



1 willingness to assist with this responsibility at no extra cost
2 to the State. The legislature hopes that the Hawaiian Humane
3 Society will be equally supportive of commercial dog breeder
4 regulation if handled on a county level.

5 The legislature also notes that there is potential
6 variation by county of the impact of dog breeding operations.
7 Therefore, this measure addresses commercial, rather than large-
8 scale, dog breeders and permits each county to define the types
9 of dog breeding operations subject to regulation.

10 The purpose of this Act is to:

- 11 (1) Require the licensing of commercial dog breeders to
12 ensure that every dog under their care is provided
13 with sufficient food and clean water, sufficient
14 shelter from the elements, necessary veterinary care,
15 sufficient space, and regular exercise, among other
16 things;
- 17 (2) Allow each county the flexibility to assess its own
18 situation, determine whether the need for regulation
19 exists, and develop appropriate rules for housing and
20 treatment of dogs by commercial dog breeders, if
21 necessary; and



1 (3) Allow each county to assess appropriate license fees
2 for commercial dog breeders and to pursue civil
3 penalties for noncompliant dog breeders.

4 SECTION 2. Chapter 143, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§143- Commercial dog breeders; license required; fees;
8 minimum requirements; premises available for inspection; civil
9 penalties. (a) It shall be unlawful for any person to own or
10 operate as a commercial dog breeder unless the person obtains a
11 valid license as a commercial dog breeder pursuant to this
12 chapter; provided that the legislative bodies of the several
13 counties may, by ordinance, dispense with or modify the
14 licensing requirements of this chapter.

15 (b) Except where licenses are dispensed with pursuant to
16 subsection (a), each county council shall have the power to fix
17 license fees for commercial dog breeders on a biennial basis.
18 Until and unless otherwise provided by ordinance, the biennial
19 license fee for each commercial dog breeder shall be \$500. Any
20 person operating as a commercial dog breeder shall pay the
21 license fee to the director of finance of the county in which
22 the breeder operation is located. The license fee shall be due



1 and payable on January 2 of every second year and shall be paid
2 before March 11 of every second year, or within thirty days
3 after becoming subject to this chapter. The full amount of the
4 fee shall be paid for any fraction of the license period for
5 which a license is issued. All moneys received by the director
6 of finance under this chapter shall be paid into the general
7 fund of each county.

8 (c) Except where licenses are dispensed with pursuant to
9 subsection (a), each county council shall have the power to
10 establish minimum standards regarding the housing and treatment
11 of dogs in commercial dog breeding operations. The standards
12 shall include:

- 13 (1) Provision of proper care, including necessary
14 veterinary care;
15 (2) Provision of sufficient food and clean water;
16 (3) Provision of sufficient shelter from the elements;
17 (4) Provision of sufficient space in confinement;
18 (5) Requirements for daily cleaning;
19 (6) Provision of reasonable temperature, lighting, and
20 ventilation;
21 (7) Provision of regular exercise in an exercise area,
22 unless contrary to the dog's health and safety;



1 (8) Recordkeeping requirements of each dog's health and
2 disposition;

3 (9) Requirements for disclosure by the commercial dog
4 breeder to the dog's purchaser of information
5 regarding the dog's health, parentage, and veterinary
6 medical records; and

7 (10) Any other requirements deemed appropriate by the
8 county.

9 (d) A commercial dog breeder licensee shall make its
10 premises available for unannounced inspection by the county or
11 the county's designee during regular business hours.

12 (e) Any person who operates as a commercial dog breeder
13 without a license shall be subject to a civil penalty of up to
14 \$1,000; provided that each day of a violation shall be
15 considered a separate offense. Any failure to comply with the
16 standards set by a county pursuant to subsection (c) shall be
17 subject to a civil penalty of up to \$1,000 for each violation."

18 SECTION 3. Section 143-1, Hawaii Revised Statutes, is
19 amended by adding two new definitions to be appropriately
20 inserted and to read as follows:

21 "Commercial dog breeder" means any person who is engaged
22 in the business of breeding or dealing in dogs for direct or



1 indirect sale or for exchange in return for consideration, and
2 who possess less than twenty intact female dogs age six months
3 or older.

4 "Premises" means property, whether private or public, upon
5 which buildings, yards, kennels, pens, and cages used by the
6 owner of a dog breeding operation in the usual course of
7 business are located."

8 SECTION 4. Section 143-15, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§143-15 **Contracts for seizing and impounding dogs.** Any
11 county may contract with any society or organization formed for
12 the prevention of cruelty to animals, or similar dog protective
13 organization, for ~~the~~:

14 (1) The seizure and impounding of all unlicensed dogs,
15 ~~[and for the]~~ dogs owned by a commercial dog breeder
16 not in compliance with this chapter and any rules
17 adopted pursuant to this chapter, and dogs owned by a
18 person acting in the capacity of or engaged in the
19 business of a commercial dog breeder within the county
20 without a commercial dog breeder license obtained
21 under and in compliance with this chapter and any
22 rules adopted pursuant to this chapter;



1 (2) The maintenance of a shelter or pound for [~~unlicensed~~]
2 seized dogs, and for lost, strayed, and homeless
3 dogs [~~, and for the~~]; and

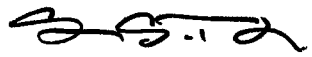
4 (3) The destruction or other disposition of seized dogs
5 not redeemed as provided in this chapter.

6 The county may prescribe in the contract the manner in which the
7 work is to be done by the society or organization and it may
8 also direct the disposition to be made of all dogs seized
9 pursuant to this chapter."

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.

13

INTRODUCED BY: 
By Request

S.B. NO. 3034

Report Title:

Dogs; Commercial Dog Breeding; Regulation; Civil Penalties;
Counties

Description:

Requires the licensing of commercial dog breeders, subject to discretion of the counties; authorizes each county to develop license requirements and fees, and rules for housing and treatment of dogs by commercial dog breeders; authorizes each county to pursue civil penalties for noncompliant dog breeders.

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

