

Honolulu, Hawaii

MAR 21 2011

RE: H.B. No. 1133  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1133, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make the intentional or knowing performance of a veterinary procedure on a pet animal by a person not licensed as a veterinarian a class C felony; and
- (2) Exempt the cropping of ears or the docking of a tail of a pet animal for compensation or as part of the sale of the animal by an unlicensed person from the criminal prohibition on animal cruelty.

Your Committee received testimony in support of this measure from the Board of Veterinary Examiners; The Humane Society of the United States; Hawaiian Humane Society; West Hawaii Humane Society; Hearts for Animals, Inc.; and ninety-five private individuals. Your Committee received comments on this measure from one private individual.

Your Committee finds that the current classification of the offense of practicing veterinary medicine without a license as a misdemeanor that carries a maximum penalty of \$500 and six months imprisonment is insufficient to provide effective deterrence or to



promote consistent enforcement. Unfortunately, your Committee further finds that some unlicensed persons in the State do perform veterinary procedures including ear cropping, tail docking, spaying or neutering, and even voice box removal under conditions and in a manner that is inhumane, unsanitary, and unethical. Your Committee also finds that subjecting the unlicensed performance of veterinary procedures on a pet animal to conviction for a class C felony will increase the maximum available penalty to over one year of imprisonment, therefore increasing the incentive to prosecute and the deterrent effect of the penalty. Finally, your Committee finds that the practices of ear cropping and tail docking, when performed by an unlicensed person without proper anesthesia and under unsanitary conditions, can result in severe injury and extensive suffering for the animal and should be subject to criminal penalties for animal cruelty.

Your Committee has amended this measure by:

- (1) Clarifying that the cropping of ears or the docking of a tail of a pet animal is exempt from criminal penalties for animal cruelty only if performed by a licensed veterinarian; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1133, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1133, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

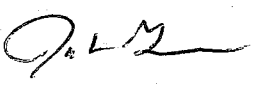
Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,

  
ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1133, HD 2	CPN, JDL	3/15/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)				✓
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama				✓
SLOM, Sam	✓			
<b>TOTAL</b>	5	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes