

Honolulu, Hawaii

Feb 10 , 2012

RE: H.B. No. 2161
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Economic Revitalization & Business, to which was referred H.B. No. 2161 entitled:

"A BILL FOR AN ACT RELATING TO DOGS,"

begs leave to report as follows:

The purpose of this measure is to protect both dogs and purchasers by:

- (1) Requiring sellers of dogs to provide certain information to purchasers at the time of purchase;
- (2) Providing remedies in case a dog purchased from a seller is unfit for purchase due to disease, deformity, injury, physical condition, illness, or defect; and
- (3) Establishing duties of notice and disclosure for both dog sellers and purchasers of dogs.

The Hawaiian Humane Society testified in support of this measure. The Humane Society of the United States testified in support of the intent of this measure. Poi Dogs & Popoki testified in support of this measure with amendments. The Office of Consumer Protection of the Department of Commerce and Consumer Affairs, Boxer Club of Hawaii, and Koolau Pets, Inc., testified in opposition to this measure. A concerned individual provided comments on this measure.



Your Committee has amended this measure by:

- (1) Changing the definition of a seller to a person who sells ten or more dogs per year, whether through a kennel, pet shop, or directly to the public;
- (2) Specifying that a dog's health record provided by a seller shall include the name and address of the dog's breeder and the breeder's license information if licensed by the United States Department of Agriculture;
- (3) Clarifying that the health certificate issued by a veterinarian and produced by a seller at the time of sale must be based on a physical examination;
- (4) Removing language that authorizes a seller to provide a written guarantee of the dog's good health, subject to specified warranties, in lieu of a veterinarian's health certificate;
- (5) Extending the period during which the purchaser of a dog may exercise specified remedies to twenty-one business days if a veterinarian determines that the dog is unfit for purchase due to disease, deformity, physical condition, or illness or twenty-four months if unfitness is due to a congenital or hereditary defect;
- (6) Clarifying that a purchaser's remedies may include reimbursement of the purchase price plus general excise tax, or a replacement dog of the purchaser's choice of comparable value, which shall be eligible for all available remedies;
- (7) Including language to allow the purchaser to receive remedies for addressing the suffering of an affected dog;
- (8) Removing language that limits the remedies for a purchaser of a dog who suffers from an incurable illness;
- (9) Including language that a seller shall not be subject to remedies for conditions which the seller disclosed through a written health certificate at the time of sale;



- (10) Specifying that a purchaser seeking remedy for a dog that is unfit for purchase shall notify the seller by registered mail within five business days of a veterinary examination that certifies the illness, defect, or death of a dog purchased from the seller and produce the dog within five business days upon proper request from the seller;
- (11) Amending the requirements for the notice of rights that a seller is required to provide to a purchaser at the time of purchase;
- (12) Changing the effective date to July 1, 2112, for the purposes of facilitating further discussion; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization & Business that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2161, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2161, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Revitalization & Business,



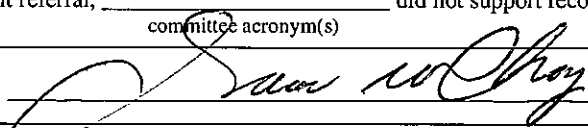
ANGUS L.K. MCKELVEY, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HS CR 283-12

Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.: HB 2161	Committee Referral: ERB, CTC/JUD, FIN	Date: 2/9/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	X			
2. CHOY, Isaac W. (VC)	X			
3. AWANA, Karen L.	X			
4. BROWER, Tom	X			
5. EVANS, Cindy	X			
6. HASHEM, Mark J.	X			
7. NISHIMOTO, Scott Y.				X
8. TOKIOKA, James Kunane				X
9. TSUJI, Clift	X			
10. MARUMOTO, Barbara C.	X			
11. PINE, Kymberly Marcos		✓		
TOTAL (11)	8	1	—	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				