

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2492
S.D. 1
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 Judiciary, to which was referred S.B. No. 2492, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,"

begs leave to report as follows:

The purpose of this measure is to ensure that dogs at large-scale breeding facilities receive a minimum standard of care by:

- (1) Prohibiting the ownership or custody of more than thirty dogs over the age of six months with intact sexual organs;
- (2) Requiring owners of ten or more dogs over the age of four months with intact sexual organs to meet minimum standards of care to ensure the proper treatment and care of the dogs and the dogs' offspring and to provide for the implantation of a microchip in the dog;
- (3) Requires owners of ten or more dogs over the age of four months with intact sexual organs to maintain specific written records of each dog for a specified period;
- (4) Requiring that no dog shall be bred to produce more than two litters in any eighteen month period;



- (5) Prohibiting certain types of dogs to be placed in the same enclosure; and
- (5) Establishing penalties for any violation.

The Prosecuting Attorney for the City and County of Honolulu, the Humane Society of the United States, Hawaii Island Humane Society, Hawaiian Humane Society, Hawaii Military Pets, and numerous individuals supported this measure. The American Kennel Club, Terriers in Paradise-Hawaii, Inc., the Golden Retriever Club of Hawaii, Rescue & Referral, the Dachshund Club of Hawaii and various individuals opposed this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the application of this measure is not limited to large-scale dog breeding facilities by deleting the reference to such facilities;
- (2) Changing the age of dogs covered by this bill to over the age of six months;
- (3) Deleting the definition of the term "dog" and replacing it with the term "covered dog" defined as any dog over the age of six months with intact sexual organs, and inserting that term where applicable in the measure;
- (4) Inserting definitions for the terms "primary enclosure" and "premise", and inserting those terms where applicable in the measure;
- (5) Adding exemptions to the definition of "person" for:
 - (a) Boarding facilities that only houses dogs temporarily and prohibits the breeding of dogs or selling of dogs; and
 - (b) Those persons involved in certain dog shows;
- (6) Changing the reference from "sufficient housing for shelter" to "sufficient space for movement" in the definition of "regular exercise";
- (7) Removing from the definition of "sufficient housing or shelter" the requirement that the enclosure not be more than forty-two inches above the floor;



- (8) Requiring twelve square feet of floor space of each dog not more than twenty-five inches and twenty feet for each dog more than twenty-five inches and not more than thirty-five inches in the square footage section of the definition for "sufficient housing or shelter";
- (9) Deleting from subsection (a) in § -3 the prohibition on implanting a microchip in a dog aged less than four months old;
- (10) Deleting subsection (b) in § -3 that regarding the prohibitions concerning the breeding of dogs between the ages of twelve months and eight years, the breeding of more than two litters in eighteen months, and the breeding of a dog that a veterinarian determines to be unfit for breeding because, these provisions would be extremely difficult to enforce;
- (11) Changing the title of § -6 to "Applicability of chapter" and including the phrase "except as provided in section -5 in that section;
- (12) Changing the effective date of the bill to January 7, 2059; and
- (13) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2492, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2492, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


GILBERT KEITH-AGARAN, Chair



