

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 2494
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2494 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require the
licensing of breeders to ensure that every dog under a breeder's
care is provided with adequate care, and to prohibit the sale of
unsterilized cats and unsterilized dogs to address the
irresponsible and indiscriminate sale of cats and dogs.

Prior to the hearing on this measure, your Committee posted a
proposed S.D. 1 for review and comments. The proposed S.D. 1
deletes the contents of the measure and inserts language to:

- (1) Establish a standard of care for dogs to ensure proper
treatment of dogs and the dogs' offspring by:
 - (A) Prohibiting the ownership or custody of more than
thirty dogs over the age of one year with intact
sexual organs, at any time;
 - (B) 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;



- (C) Requiring 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;
 - (D) Prohibiting certain types of dogs to be placed in the same enclosure; and
 - (E) Establishing penalties; and
- (2) Ensure every dog under a dog breeder's care is provided a minimum standard of care by:
- (A) Requiring the licensing of dog breeders;
 - (B) Authorizing each county the flexibility to assess the county's own situation, and determine the need for and develop appropriate rules for housing and treatment of dogs by dog breeders, if necessary;
 - (C) Requiring each county or its contracted local humane society to assess appropriate license fees for dog breeders, and to pursue civil penalties for noncompliance; and
 - (D) Authorizing a county agent or its contracted designees to inspect a dog breeder licensee's premises unannounced and during regular business hours.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of the Prosecuting Attorney of the City and County of Honolulu, Best Friends Animal Society, and seven private individuals. Testimony in opposition to the proposed S.D. 1 was submitted by the American Kennel Club, the Hawaiian Kennel Club, Terriers in Paradise-Hawaii, and fifty-three private individuals. Your Committee received comments on the proposed S.D. 1 from the Hawaiian Humane Society and four private individuals.

Your Committee finds that profit-driven breeding is prevalent in Hawaii. Recent research conducted by the Hawaiian Humane Society reveals that during a two-week period in November on Oahu, over three hundred sixty puppies were available for sale. This number projected over a one-year period is approximately



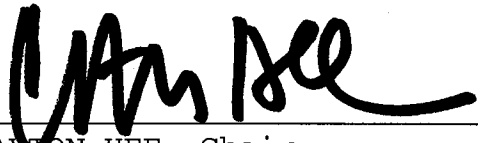
\$9,400,000 in revenues from the sale of dogs. Unfortunately, existing state and federal laws regarding the care and husbandry of dogs inadequately regulate large-scale breeding facilities in Hawaii. This measure ensures that dogs at large-scale breeding facilities receive sanitary living conditions, proper and timely medical care, the ability to move freely at least once a day, and adequate shelter from the elements. Furthermore, this measure ensures that every dog under a dog breeder's care is provided a minimum standard of care by requiring the licensure of dog breeders.

Your Committee has amended the measure by:

- (1) Adopting the language of the proposed S.D. 1; and
- (2) Inserting an effective date of July 1, 2050, to ensure further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2494, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2494, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2404, SD# 713	Committee Referral: JDL	Date: 2/29/12		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike		✓		
IHARA, Jr., Les		✓		
SLOM, Sam				✓
TOTAL	2	2	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes