

Honolulu, Hawaii

FEB 16 2012

RE: S.B. No. 2504

S.D. 1

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

Sir:

Your Committees on Commerce and Consumer Protection and Economic Development and Technology, to which was referred S.B. No. 2504 entitled:

"A BILL FOR AN ACT RELATING TO THE SALE OF DOGS AND CATS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require pet sellers to implant an identification microchip in a dog or cat prior to sale or exchange and provide written documentation on each dog or cat sold; and
- (2) Prohibit pet sellers from selling an unsterilized dog or unsterilized cat.

Your Committees received testimony in support of this measure from the Humane Society of the United States, Hawaiian Humane Society, West Hawaiian Humane Society, CatFriends, Boxer Club of Hawaii, Hui Pono Holoholona, and twenty individuals. Your Committees received testimony in opposition to this measure from the American Kennel Club; American Herding Breed Association; King Street Pet Hospital; Hawaii Hulacat Club; Dachshund Club of Hawaii; Golden Retriever Club of Hawaii; Terriers in Paradise-Hawaii, Inc.; The Pet Depot; The Pet Hale; Pupukea Ridgebacks; Leeward Training Club of Hawaii; Southern California Alaskan Malamute Club; Wolfpak Dobermans; Kona Coast Kennel Club; Labrador Retriever Club of Hawaii; Aloha Cat Fanciers; Hawaiian Chinese



Shar-Pei Club; Hawaiian Kennel Club; United State Working Dog Foundation; and one hundred and ninety individuals. Your Committees received comments on this measure from Poi Dogs and Popoki and one individual.

Your Committees find that the amendments proposed by this measure attempt to better protect Hawaii's animals and consumers. This measure requires implantation of an identification microchip in a dog or cat prior to sale and sterilization of a dog or cat prior to sale. This measure also requires pet sellers to provide essential history and medical information to purchasers, animal care, and animal control agencies.

Your Committees have heard the concerns about the prohibition on the sale of unsterilized dogs and cats. Concerns were raised that this prohibition would limit the ability of Hawaii residents to obtain future generations of pets, would limit breeders' abilities to introduce new bloodlines, and would limit the healthy expansion of gene pools for purebred dogs and cats. Your Committees understand these concerns but note that this measure was not intended to target responsible breeders. However, your Committees conclude that amendments, including exempting breeders from the requirements of this measure, are necessary.

Your Committees have amended this measure by:

- (1) Amending the definition of "pet seller" to apply only to retail pet stores or those who sell dogs or cats to a retail pet store;
- (2) Adding a definition of "public place", as that term is defined in section 711-1100, Hawaii Revised Statutes;
- (3) Amending the definition of "retail pet store" to clarify that the term shall not apply to humane societies, animal control, rescue, or care organizations, or retail pet stores acting in cooperation with these organizations;
- (4) Deleting the definitions of "unsterilized cat" and "unsterilized dog";
- (5) Clarifying the microchip requirements for dogs or cats prior to sale or exchange at a retail pet store;



- (6) Requiring a retail pet store to collect the appropriate county dog licensing form and fees from a purchaser of a dog, and to submit the form and fees to the appropriate county;
- (7) Clarifying that pet sellers must deliver certain information relating to the health of a dog or cat to a retail pet store, and clarifying that retail pet stores must deliver certain information relating to the health of a dog or cat to a purchaser;
- (8) Requiring retail pet stores to provide a purchaser with written information on the health and other benefits of spaying and neutering;
- (9) Clarifying that a retail pet store, but not a pet seller, shall make certain documents available for inspection to county humane officers, animal control officers, or law enforcement officers during normal business hours;
- (10) Deleting language that would have prohibited the sale of an unsterilized dog or unsterilized cat by a pet seller;
- (11) Adding language that prohibits the sale, exchange, gifting, display for commercial purposes, or trading of any dog or cat in any public place, but exempting certain organizations who facilitate the adoption of animals;
- (12) Amending the penalty provision from a petty misdemeanor to a fine of \$500 per violation;
- (13) Inserting an effective date of January 2, 2050, to allow for further discussion; and
- (14) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Economic Development and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2504, as amended herein, and recommend that it pass Second




Reading in the form attached hereto as S.B. No. 2504, S.D. 1, and  
be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committees on Commerce and  
Consumer Protection and  
Economic Development and  
Technology,



CAROL FUKUNAGA, Chair



ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

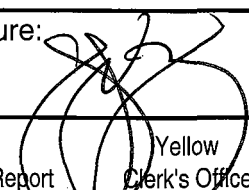
**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>SB 2504</b>	Committee Referral: <b>CPN / EDT, JDL</b>	Date: <b>2-14-12</b>		
<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>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Economic Development and Technology**  
**EDT**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2504	CPN/EDT, JDL	2/14/12		
<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
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama		✓		
SLOM, Sam		✓		
<b>TOTAL</b>	3	2	0	0
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