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**PRESENTATION OF THE
OFFICE OF CONSUMER PROTECTION**

**TO THE HOUSE COMMITTEE ON ECONOMIC REVITALIZATION
& BUSINESS**

**THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012**

**Tuesday, January 31, 2012
8:30.m.**

TESTIMONY ON HOUSE BILL NO. 2161, RELATING TO DOGS.

**THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs ("DCCA"), Office of Consumer Protection ("OCP") appreciates the opportunity to appear today and testify concerning H.B. No. 2161. My name is Bruce B. Kim and I am the Executive Director of OCP. OCP opposes H.B. No. 2161 in its present form.

The Director of the DCCA is the consumer counsel for the State of Hawaii. The Director enforces the consumer protection laws of Hawaii through OCP.

OCP investigators currently handle an average of 1,800 new consumer complaints a year. OCP investigators also respond to over 7,000 landlord-tenant

inquiries through the landlord-tenant hotline per annum.

The Department of Commerce and Consumer Affairs ("DCCA") currently has no regulatory authority over the sale of pets or animals by kennels or pet shops to the public. As such it has no expertise in either regulating or enforcing laws pertaining to the sale of dogs in Hawaii. Given its existing caseload, OCP does not have sufficient staff to take on the added investigative and enforcement responsibilities imposed by the bill. Furthermore, the bill imposes a burdensome rule-making requirement upon the DCCA without any existing regulatory or licensing authority over the sale of dogs by kennels or pet shops.

Thank you for this opportunity to testify on H.B. 2161. I will be happy to answer any questions that the Committee members may have.



THE HUMANE SOCIETY
OF THE UNITED STATES

TO: Honorable Chair McKelvey, Vice-Chair Choy and Committee Members

Committee on Economic and Business Revitalization, 1-31-12, 830am, Rm 312

RE: Suggested amendments to HB2161; Relating to Dogs- Dog Purchaser Protection

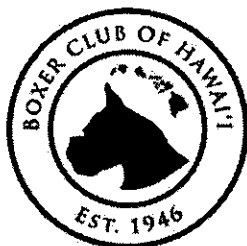
Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

We support the intent of this measure to protect both dogs and consumers but believe stronger regulations are needed specifically related to standards of care for large-scale dog breeders, pet stores and others who sell animals to the public.

Thank you for the opportunity to provide the following suggested amendments to HB2161; Dog Purchaser Protection Act, commonly referred to as a “Puppy Lemon Law” and present in 18 states.

- Add application of law to those who sell animals to the public to include roadside/public sales and puppy “swap meets.”
- Remove waiver of Guarantee of Good Health; require a health certificate issued by a veterinarian.
- Remedies: Extend general health warranty to 21 days and 24 months for congenital defects. Allows reimbursements, including veterinary care fees, for up to 3 times the purchase price of the dog.
- Notification: Extend from 2 to 5 days and require purchaser notify via certified or registered mail so there is confirmed documentation.

Thank you for your consideration of these suggested amendments.



Dear Rep. McKelvey, Rep. Choy and members of the ERB committee,

My name is Theresa Donnelly, and I am urging you to oppose HB 2161, pertaining to pet store sales. I am the secretary of Boxer Club of Hawaii, a club founded in 1946 affiliated with the American Boxer Club and the American Kennel Club. I am also the owner of Hawaii Military Pets, an online resource educating on pet services to Hawaii's military pet owners.

Although I appreciate the intent of a "puppy lemon law," this does not drive to the root cause of why I and other advocates oppose animal sales at pet stores, roadside sales and swap meets. A pet store denies the consumer the opportunity to personally inspect the breeding conditions. **No responsible breeder sells to a pet store. Good breeders ensure a forever home and take back an animal at any time, performing extensive breed-specific health testing to protect the breed.**

Additionally, many illnesses from animals raised in substandard conditions manifest well past the 10 day requirement to take the animal back. Another part of this bill that is unfortunate is that there is a provision that the seller doesn't even have to do a vet check.

While in an ideal world, we would like to see the end of the pet trade and only see direct-to-customer sales to the public, we realize that issue is more education than legislation. **If we are going to have any law regulating pet store sales, perhaps pet stores should spay and neuter the animals they sell, ensuring pet store animals don't further add to Hawaii's pet overpopulation crisis.**

This law is too specific to be truly effective and does not address the root causes behind why pet stores should discontinue the sales of all animals, not just cats and dogs. Many cities on the mainland are ending animal sales at all pet stores. I personally would love to see that happen here.

Thank you for giving me the opportunity to submit this written testimony.

Theresa Donnelly
Secretary, Boxer Club of Hawaii
Owner, Hawaii Military Pets
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46-056 Kamehameha Hwy.
Kaneohe, HI 96744
Ph: 235-6477/Fax: 235-6479
Email:koolaupets@yahoo.com

January 30, 2012

Aloha,

This letter is to express our opposition to bill HB2161 that will be heard on Tuesday, January 31, 2012 in House conference room 312 regarding Dog Purchaser Protection.

We are in complete agreement with this bill, however feel that the new owners' of puppies should have the right to decide whether to spay or neuter their pet. As long as they follow what rules and regulations there are pertaining to breeding of their pet, they should have that option. Not all breeders are like the ones portrayed in the Waimanalo puppy mill case. It's those "bad apples" that are making it harder for everyone else, especially pet stores. We believe in STOPPING puppy mills, but still think that everyone is entitled to have a pet and breed them if they choose.

We DO NOT support the spaying and neutering of puppies and it is a persons' right to breed their pet.

Mahalo for your time,

Mel & Napua Furtado and the Staff at Koolau Pets



Koolau Pets Inc.
46-056 Kamehameha Hwy.
Kaneohe, HI 96744
Ph: 235-6477/Fax: 235-6479
Email: koolaupets@yahoo.com

Dear Representative,

My name is Melvin Furtado, owner of Koolau Pets. We have been in business since March of 1974 in Kaneohe on the Windward Side of O'ahu.

We apologize for our letter sent January 28, 2012 pertaining to bill HB243 HD1 SD1 CD1. We have become aware of bill HB2161 that will be scheduled to be heard on Tuesday January 31, 2012 regarding Dog Purchaser Protection. After reading this bill, we are in complete agreement on a lot of the information stated, but have some questions that may need to be considered.

First, in section-1, you establish that "Seller" means basically anyone selling two or more litters a year to the public, such as ourselves. Now, does that mean two or more litters of same dogs or just dogs period? And who exactly do you mean by "Purchaser"? Is it the pet shop or our customer? Are we considered a "Purchaser" as well?

Second, in section-2b, requires health certificates. Who would be responsible for that? Would it be per puppy or per litter? Costs play a big part in the selling of puppies. We try to make it as affordable as possible for people to have a pet. With a lot of unnecessary paperwork, it's a waste of time and money. We already have a medical record with notes from veterinarian and vaccinations, etc. We feel that's more than enough.

Third, in section-6c, having the " purchaser agreed in writing to provide the seller with a signed veterinarian's certificate certifying that the dog has been spayed or neutered". Is this only in regard to pure bred dogs that are registered with an organization such as AKC? We strongly oppose pet shops being held responsible for spaying or neutering any puppies before the age of 6 months. Furthermore, we feel it is up to the owner to spay or neuter their puppy. This is a BIG cost factor. It is not cheap to have this procedure done. Therefore, driving costs up more. People have the right to breed their dog, as long as it is done responsibly and follows certain rules and regulations that are reasonable.

We appreciate your time and thank you for considering the input we have shared pertaining to this bill.

Mahalo,

Mel & Napua Furtado and The Staff of Koolau Pets

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2012 10:58 AM
To: ERBtestimony
Cc: koolaupets@yahoo.com
Subject: Testimony for HB2161 on 1/31/2012 8:30:00 AM

Testimony for ERB 1/31/2012 8:30:00 AM HB2161

Conference room: 312
Testifier position: Oppose
Testifier will be present: No
Submitted by: Robert Lawrence
Organization: Koolau Pets
E-mail: koolaupets@yahoo.com
Submitted on: 1/30/2012

Comments: