

SB2494

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai`i

February 29, 2012

RE: S.B. 2494; RELATING TO ANIMAL CRUELTY.

Chair Hee, Vice-Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of S.B. 2494.

The purpose of this bill is to establish a licensing system and minimum standards for commercial dog breeders; to regulate the housing, care, handling, and treatment of dogs by licensed breeders; and to prohibit unlicensed commercial dog breeding, with the exception of breeding up to two dogs that are kept as pets and whose offspring are sold no more than once a year. The bill also allows for inspections by the Department of Commerce and Consumer Affairs, authorizes various means of enforcement, and provides civil and criminal penalties for violations of the law.

The Department believes that S.B. 2494 would work alongside existing laws to prevent these specific forms of animal cruelty, and serve as a much-needed deterrent to those who may be inclined to over-breed or wrongfully breed dogs. For these reasons, we support the passage of S.B. 2494. Thank you for this opportunity to testify.



AMERICAN
KENNEL CLUBSM

February 27, 2012

Senator Clayton Hee
Chairman, Senate Committee on Judiciary and Labor
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re. Oppose Senate Bill 2494

Dear Chairman Hee:

The American Kennel Club (AKC) has numerous concerns with Senate Bill 2494, which you have authored and which will be heard in your committee. We respectfully write on behalf of the numerous responsible dog owners and breeders in Hawaii to ask that you not move this bill forward in its current form.

As the world's largest and most respected not-for-profit dog registry, the AKC represents 46 kennel clubs in Hawaii, comprised of hundreds of Hawaiian constituents and taxpayers. In 2011 alone, AKC licensed and sanctioned 128 events in the state of Hawaii, in which more than 8,130 dogs participated. These events generated significant revenue for Hawaiian communities.

The AKC strongly supports the humane treatment of dogs, including providing an adequate and nutritious diet, clean living conditions, regular veterinary care, kind and responsible human companionship, and training in appropriate behavior. The AKC believes that numerical limits do not address the underlying issues of responsible ownership and proper dog care. Instead, the AKC supports reasonable and enforceable laws that protect the welfare and health of dogs without restricting the rights of owners or breeders who take their responsibilities seriously. We believe that concerns about animal health and welfare can and should be addressed utilizing Hawaii's state animal cruelty laws as well as local nuisance ordinances.

The definition of "dog breeder" in this legislation is not appropriate, as it will encompass individuals who simply own ten or more intact dogs, regardless of whether or not they breed and sell a single puppy. Further, charging a \$500 biennial license fee to these individuals, many of whom may sell very few animals, is not reasonable. Although the legislation contains provisions allowing county governments to set a different fee (Chapter 143 (b)), it is unclear how this fee may be changed. The provision in Section 4, Chapter 143 (d) providing for unannounced inspections is also unreasonable given that many individuals keep dogs in their private homes and are not rightly regarded as businesses.

Although the finding in Part I states that the bill's objective is to ensure that dogs are provided "the ability to move freely at least once per day," the definition of "regular exercise" requires dogs be provided "constant and unfettered access to an outdoor or indoor exercise area" of a specified size. Due to weather conditions and other dangers constant and unfettered access to the outdoors may not be advisable. Further, because the definition of "dog breeder" will cover many who own and breed dogs in their homes, the designation of a specific indoor area of sufficient size may also be problematic. While the initial intent of the bill in ensuring that dogs be provided regular exercise is admirable and appropriate, the specific provisions are untenable.

We further object to the limiting of a breeder's rights by prohibiting the breeding of a dog declared by a veterinarian to be "unfit for breeding." This term is not defined, so it is unknown which conditions may render any animal unfit or on what criteria a veterinarian will base their examination.

In Part II, Section 3 (1) – (3) certain rights and responsibilities are accorded to county governments. However, in Section (2) the use of the term "allow" is confusing as it is unclear what happens if a county determines that regulation is unnecessary.

The fines provided in Chapter 143 (d), of up to \$1000 per day for an unlicensed breeder and for ANY violation of the care and recordkeeping requirements, are also unreasonable. For example, these fines could be levied if a breeder places a fire extinguisher too far away from an enclosure or the lighting is deemed insufficient. Further, Section 143-15 allows for dogs owned by an unlicensed dog breeder, or a breeder found not be in compliance (again, even minor violations appear to be adequate) to be impounded. It is unreasonable to remove dogs for anything less than animal neglect or cruelty. The lack of a license or a minor violation should not enable the government to seize a citizen's property. This does not benefit the animals and only serves to unnecessarily crowd shelters.

This legislation is burdensome to small, responsible owners and breeders; does not improve animal welfare; and would drive small, responsible dog breeders out of Hawaii. We urge you not to move this bill forward, as it will negatively impact responsible owners and breeders in Hawaii and limit the options for residents of Hawaii to own a local, responsibly-bred dog in the future.

Sincerely,



Sarah Sprouse
Government Relations Legislative Analyst

Cc: Members of the Senate Committee on Judiciary and Labor

HAWAIIAN KENNEL CLUB

(A.K.C. Member)

February 28, 2012

Chair, Senator Clayton Hee
Vice-Chair, Senator Maile Shimabukuro
Senator Mike Gabbard
Senator Les Ihara
Senator Samuel Slom

Re: SB2494 Hearing

Dear Committee Members,

Hawaiian Kennel Club was established in 1906 and has for over 100 years supported the well being of Hawaii's canine population. We adamantly oppose inhumane treatment of animals. However, this bill makes the assumption that breeding dogs leads to inhumane treatment. Legislating all breeding will lead to a reduction in quality well bred animals owned by responsible law abiding citizens. Breeding will continue by the substandard breeders who typically circumvent existing laws.

We strongly oppose this bill because of the following provisions:

- Defines anyone who owns ten or more intact dogs as a dog breeder, regardless of the number of litters or dogs produced and sold. **It is possible that a person may not whelp or sell a single puppy and still be subject to these provisions. If a person is able to satisfy the zoning requirements and can give any number of dogs good care there should not be any reason why they should not do so.**
- Requires dog breeders to pay a \$500 biennial license fee. **Allows counties to set their own fees which could be higher.**
- Requires individuals deemed to be dog breeders to allow unannounced inspections of their premises. **Unconstitutional and very threatening. As a member of the Hawaiian Humane Society, I'm sure HHS has no intention of doing this. However, they may not be the only enforcing agency in the future.**
-
- Prohibits the ownership of more than 30 intact dogs over the age of one year. **If a person is able to satisfy the zoning requirements and can give any number of dogs good care there should not be any reason why they should not do so.**

-
- Prohibits the breeding of any dog determined by a veterinarian to be “unfit for breeding purposes.” This term is not defined, so it is unknown which conditions may render any animal unfit or on what criteria a veterinarian will base their examination. What veterinarian qualifies to do so? Most are not breeding experts.
- Prohibits the breeding of a dog older than eight years of age. Does this apply to males as well?
-
- Requires an annual veterinary examination. Questionable. We have some of the finest Vets in the nation and probably the highest number per capita. However, there are still those that an annual Vet exam is meaningless. A dedicated owner or breeder is more aware of the health of their dog and knows when it should receive veterinary care. Prohibits microchipping dogs aged four months or less. Why? Most Vets will microchip before four months of age.
-
- Requires owners of ten or more intact dogs over the age of six months to meet specified care requirements.
- Requires dogs be provided with “regular exercise” defined as constant and unfettered access to an indoor or outdoor exercise area of a specified size. This requirement again does not take into consideration the various
- Prohibits the stacking of indoor enclosures or placing an enclosure more than 42 inches off the floor. Requires “sufficient space for movement,” including a provision that there be at least twelve inches of headroom above the head of the tallest dog when it is in a regular standing position.
- Requires that a means of fire suppression, such as a fire extinguisher be located within 40 feet of an indoor enclosure. These sections are so micromanaged that they become ludicrous. “42 inches off the floor”, I like having a crate at this height for dogs to eat or sleep in because it’s a comfortable height for me to clean. “A fire extinguisher located within 40 feet”. I’ve lived through a fire that destroyed my home. Our five dogs escaped harm through a good evacuation plan. A fire extinguisher would have been useless. The dog fancy sets higher standards than most of you are aware of. Have you consulted any of them?

•
Yours truly,

Gerri Cadiz, HKC President
40A Kai One Place

Kailua, HI 96734
(808) 262-5236
gcadiz@hawaii.rr.com

HAWAIIAN DOG FANCIERS GUIDELINES FOR RESPONSIBLE BREEDERS

The Public Education Coordinators representing the breed, all-breed, and obedience clubs of Hawaii have compiled the following guidelines for breeders in the hopes that prospective breeders will study the guidelines and set standards for their breeding programs that will produce healthy, well-adjusted puppies, representative of their breed.

We also hope it will be a tool for puppy buyers to use to ask pertinent questions and to evaluate their expectations of the puppy they hope to obtain.

Ψ All dogs shall be kept under sanitary conditions and shall be given maximum health protection through regular veterinary care, inoculations, adequate exercise, and proper nutrition. Dogs shall be provided with a safe and secure environment at all times.

Ψ All breeders shall keep accurate and complete personal records of breedings, litters, pedigrees, and puppy owners' names, addresses, and phone numbers.

Ψ All puppies leaving the breeder's possession shall be a minimum of seven (7) weeks of age.

Ψ All breeders of purebred dogs shall breed to conform to the American Kennel Club's Standard of Excellence for their breed, and only from quality, healthy stock. Breeders will screen for inherited diseases as known in their breed.

Ψ Breeders shall provide the puppy buyer with written details of feeding, general care, dates, and types of inoculations and wormings, grooming instructions, training resources, etc., and be available to offer future advice as needed.

Ψ All dogs will be sold with written contracts with specifications, guarantees, or restrictions. The contract will ensure that the breeder will be contacted if an owner can no longer keep the dog at any time in the dog's life and that the breeder will find a new home for the dog.

Ψ All puppies not of show or breeding quality will be sold on a spay/neuter contract with an AKC Limited Registration.

Ψ Bitches will not be bred before or after such age as is customary for their breed as outlined by the Parent Club's guidelines. Only healthy, mature dogs will be bred and the breeder will allow proper, healthful spacing between litters.

Ψ Breeders will permit stud service only to quality, healthy bitches, appropriately screened for inherited diseases; owned by individuals who give satisfactory evidence that they will give these puppies proper care and attention and who are in agreement with these guidelines for responsible breeders.

Ψ Prospective buyers should be screened as thoroughly as possible to determine their desire and ultimate intent for each puppy or dog, and also for their interest and ability to provide a safe, adequate and loving home for each puppy or dog acquired.

Ψ All dogs will be provided with appropriate socialization and training to become good companion animals.

Ψ All dog owners and breeders will obey all laws and ordinances of the community pertaining to dogs.

Ψ Any advertising oral or written shall be factual and not worded so as to attract undesirable buyers or encourage the raising of purebred dogs for profit.

Dog Buyers:

Ψ Always buy directly from a reputable breeder.

Ψ Look at the dam and sire before choosing a puppy.

Ψ Look at the conditions under which the pup was raised.

Ψ Ask for OFA#, eye certification, and shot records.

Ψ Ask for pedigree (at least three generations).

Ψ Research the breed standard. You're investing in a lifetime companion. Know what you're buying.

Ψ Be prepared to properly house, feed, train, and groom your new pet.

Ψ Read the Hawaiian Dog Fanciers Guidelines for Responsible Breeders.

AKC registration papers mean that the sire and dam of the puppies are registered with AKC. The papers DO NOT guarantee the quality of the puppies or that they will be free of genetic defects or other health problems. However, the pedigree does give some indication of quality. Ch. before the dog's name indicate that it is a champion which means that it has been shown in competition with other dogs of its breed and that at least three AKC judges have found it a worthy representative of its breed.

Web site: www.akc.org

TESTIMONY BEFORE THE
COMMITTEE ON JUDICIARY & LABOR
IN OPPOSITION OF SB2494

DATE OF HEARING: WED., FEBRUARY 29, 2012
TIME: 9:35 A.M.
PLACE: STATE CAPITOL, CONFERENCE ROOM 016

Dear Senators Hee, Shimabukuro, Gabbard, Ihara & Slom:

I strongly opposes the mandatory spay neuter of dogs or puppies, as does the Golden Retriever Club of Hawaii (of which I am a Board member and Corresponding Secretary) and the Golden Retriever Club of America. I am an owner of two wonderful Golden Retrievers. I love this breed because of their excellent temperament and reputation as wonderful loving pets. I purchased my second dog as a puppy at nine weeks old from a reputable breeder who did all the required health clearances (eyes, hips, heart and elbows) before breeding his dogs. It is expensive to purchase a purebred dog in Hawaii. To tack on license fees to hobby breeders would be outrageous and have to be passed on to consumers. SB2494 would eliminate long time, thoughtful breeding programs in Hawaii. SB2494 would NOT eliminate puppy mills; neither would it stop irresponsible breeding.

My understanding is that spaying or neutering a puppy under the age of one has detrimental effects on a puppy as it grows to adulthood.

I train my dogs and compete in obedience and rally competition, along with other people who love and care about their dogs. SB2494 does not represent the best interests of the people of Hawaii or their canine companions. Please do not allow this type of legislation to be passed.

Charlotte Y. Hee

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: Linda.Jenks@Gmail.Com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Sunday, February 26, 2012 1:27:11 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dr. Linda Jenks
Organization: Individual
E-mail: Linda.Jenks@Gmail.Com
Submitted on: 2/26/2012

Comments:

This is a bill that makes no sense. I oppose this bill, and support the analysis by Marion Higga, auditor. I do not understand why her reliable analysis has not been utilized in this debate.

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Allene C. Auld
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
- SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions
- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
- SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training
- The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders
- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonableness and levelheadedness

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: bjsreverie@aol.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 1:17:08 AM
Attachments: [My testimony in opposition to SB2494 \(TIP-H\).doc](#)

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Terriers In Paradise-Hawaii
Organization:
E-mail: bjsreverie@aol.com
Submitted on: 2/27/2012

Comments:
Terriers In Paradise-Hawaii strongly opposes this bill!

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: Dobemom@clearwire.net
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 7:51:52 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Amy Fujinaka
Organization: Individual
E-mail: Dobemom@clearwire.net
Submitted on: 2/27/2012

Comments:

This bill is unfair to the majority of responsible breeders and pet owners who may choose to occasionally breed their animals. It will be impossible to enforce and potentially will expose people to unconstitutional, warrant less, surprise "inspections" of their property. This will in no way make it easier to prevent hoarders and puppy mills from continuing their practices. In addition, the proposal to require sterilization of very young puppies goes against the current science, which shows that there are potential severe negative long term health impacts associated with early sterilization. This will also be nearly impossible to enforce.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: angelaleslee@gmail.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Sunday, February 26, 2012 9:28:35 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Angela Leslee
Organization: Individual
E-mail: angelaleslee@gmail.com
Submitted on: 2/26/2012

Comments:

This bill will require breeder licensing, which was studied at length by the State Auditor Marion Higa last summer. It is rather embarrassing that our State would pay to have such a detailed analysis done only to disregard the auditor's recommendations. Basically the auditor said that licensing was not necessary, or needed, and was problematic as well as ineffective.

The bill would also allow unconstitutional inspections of properties which "might require licensing" by law enforcement without a search warrant

Additionally the bill requires mandatory spay/neuter of puppies sold through pet stores. Spay/neuter of 8 week old puppies is very controversial and there is substantial science to say that significant health issues result in adult dogs because of pediatric sterilization. The welfare of these dogs are surely not being taken into consideration.

It is very easy, as we have seen, for the definition of pet seller to be changed to anyone who sells puppies to the public, which would include all breeders. We are concerned for the future generations of healthy dogs here in Hawaii.

The issue has already been reviewed and resolved and breeder licensing should not even have to be discussed this session.

And lastly, there are currently laws in effect, that if enforced, can protect us against large scale breeding operations, aka puppy mills. And given the overall small percentage of hobby breeders in Hawaii and that they have caused few if any problems, why this very strict bill is considered necessary.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: dfly@dragonflyranch.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 9:06:10 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Barbara Moore
Organization: Individual
E-mail: dfly@dragonflyranch.com
Submitted on: 2/27/2012

Comments:

I couldn't say it better than my friend who wrote:

This bill will require breeder licensing, which was studied at length by the State Auditor Marion Higa last summer. It is rather embarrassing that our State would pay to have such a detailed analysis done only to disregard the auditor's recommendations. Basically the auditor said that licensing was not necessary, or needed, and was problematic as well as ineffective.

The bill would also allow unconstitutional inspections of properties which "might require licensing" by law enforcement without a search warrant

It is very easy, as we have seen, for the definition of pet seller to be changed to anyone who sells puppies to the public, which would include all breeders. We are concerned for the future generations of healthy dogs here in Hawaii.

The issue has already been reviewed and resolved and breeder licensing should not even have to be discussed this session.

And lastly, there are currently laws in effect, that if enforced, can protect us against large scale breeding operations, aka puppy mills. And given the overall small percentage of hobby breeders in Hawaii and that they have caused few if any problems, why this very strict bill is considered necessary.

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Blanche Sawamura
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
- SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions
- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
- SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training
- The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders
- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: staegej001@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Saturday, February 25, 2012 3:09:05 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Catherine Staege
Organization: Labrador Retriever Club of Hawaii
E-mail: staegej001@hawaii.rr.com
Submitted on: 2/25/2012

Comments:

Auditor's recommendation was that breeder licensing was not necessary or needed, yet breeder licensing is required in this bill. Spay/neuter of 8 week old puppies is very controversial and science has determined that significant health issues result in adult dogs because of pediatric sterilization. This bill is a waste of time and energy and The Labrador Retriever Club of Hawaii strongly opposes this bill.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: damaocc@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Tuesday, February 28, 2012 8:12:53 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: CHERYL S CHANG
Organization: Individual
E-mail: damaocc@hawaii.rr.com
Submitted on: 2/28/2012

Comments:
SB2494

Testimony of: Cheryl Chang

I am a dog lover, exhibitor, member of 3 National Clubs, active member of 4 local clubs, Obedience instructor and our Family runs a Boarding Kennel for dogs.
I strongly oppose this bill!

Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws

Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises

The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable

SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights

SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions

Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing

SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training

The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders

SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

* This bill would place all Day Car and Boarding facilities in risk of closing as who would place their dogs where they could be removed and taken who know where without due process.

I urge you to VOTE NO on B2494. I am a dog fancier and I vote.

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Christine Inouye
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
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- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: cdfeld1@hotmail.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 1:00:53 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Christopher Feld
Organization: Individual
E-mail: cdfeld1@hotmail.com
Submitted on: 2/27/2012

Comments:

I strongly oppose this bill as it threatens the existence of purebred dogs in Hawaii and it hurts breeders who meet or exceed the standards for good humane care.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: woodrose@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Tuesday, February 28, 2012 6:52:50 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: clarice oganeku
Organization: Individual
E-mail: woodrose@hawaii.rr.com
Submitted on: 2/28/2012

Comments:

I strongly oppose SB2494.

SB2494 takes away the rights from responsible dog and cat breeders. This bill is unfair because of a few animal hoarders and inhuman commercial breeders, the rest of the responsible breeders have to pay the price.

How is the State suppose enforce new laws if passed if they can't even enforce current laws?

When it comes to spaying or neutering a pet, it should be left to the pet owner's discretion and not be left up to the Humane Society to make that decision for us.

The bill also calls for warrant less, surprise inspections of premises which to me is an invasion of privacy.

I do agree that we do need laws to stop puppy mills but we need a law that would not affect responsible breeders from continuing ethical animal breeding practices.

Please do not discriminate reputable breeders by taking away their rights and also enjoyment just because of a few bad seeds like the Waimanalo puppy mill situation.

Sincerely,

Clayton Cotton

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: enelradk9s@hawaiiantel.net
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Saturday, February 25, 2012 8:27:20 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: darlene tsubota
Organization: Individual
E-mail: enelradk9s@hawaiiantel.net
Submitted on: 2/25/2012

Comments:

Dear Senate Members:

I am submitting this testimony in regards SB2494 SD1. Originally this bill (SB2494) included the sterilization of dogs and cats prior to sale in pet stores. It seems to have disappeared from SB2494 SD1, rather than being crossed out. I hope this was not a typo. I STRONGLY OPPOSE the mandatory sterilization of dogs/cats in the pet store setting, therefore strongly oppose this measure if it, in fact, is still included in this bill.

As for what I do see in SB2494 SD1...I would like to point out:

1. Breeder licensing is currently required by our federal laws. Hawaii should remain consistent with these laws.
2. Licensing fees should also be made consistent throughout the state, not left to whatever an agency decides on the spur of the moment.
3. Last, but not least, by any means, non-governmental organizations like humane societies and those contracted by them, should not be given law enforcement authority! Police authority should be reserved for properly trained officers that are overseen by the public!

In conclusion, I would like to point out that this bill could be a good, beneficial bill to better protect our dogs. I oppose SB2494 SD1...as it stands...BUT, with the removal of the aforementioned points...including mandatory sterilization (as called for in the bills' original form), I would find this bill more acceptable.

Respectfully submitted,

Debbie Baker
Owner Member
The Pet Hale

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: beegood2@hawaiiintel.net
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Tuesday, February 28, 2012 9:36:53 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Debi Cary
Organization: Individual
E-mail: beegood2@hawaiiintel.net
Submitted on: 2/28/2012

Comments:

I think many of the ideas in this proposed bill are meant to solve a problem encountered in Waimanalo. I think government and the retailer dropped the ball on the public on it. The retailer should be to blame, not all breeders. If the retailer was the one to make sure the breeder he/ she was buying from, had good breeding facilities and practices, and healthy puppies and parents, we would not be here today. Greed is to blame.

I agree that ALL dogs should be cared for well, whether one in a family or many in a breeding program. You do not state what the minimum standards are, and I am not for your vague interpretation to know if I agree.

Unfortunately, I think you have been solely influenced by the Humane Society. Their campaign to neuter every dog in the world is in direct conflict to the American Kennel Club and the millions of top quality family, hunting, working, toy breeds etc. in America. MOST breeders keep detailed records without governments rules.

I don't think you have consulted vets either on the 8 week mandatory spay/neuter. If you did, you would be told it is not in the best interest of the animals and is in a way cruel. It is fine for the HSPCA, and SHOULD be done by them. Many of their clients do not understand dog's or cat's reproductive cycles and do not pay attention... puppies beget puppies, kittens beget kittens.

I do not think you are paying any attention to the detailed audit done by State Auditor Marion Higa - Reports/2011/11-02. PDF. The auditor said that licensing was not necessary, needed, and would be problematic.

If more government jobs need to be created to do this licensing, I am TOTALLY opposed. We have a shortfall on the budget ALREADY.

Licensing that would allow inspections without a search warrant is unconstitutional. Most good breeders never make any money, and you would be adding extra burdens on an already stretched labor of love. You may be losing tax revenue by putting them out of business, while the backyard breeder continues on. They would be untouched, and able to continue, without the demand for maintaining breed standards that larger breeders must.

Put the rules and regulations on the retailers who double their money and have no legal responsibility to ensure their customers have a product that will be sound, healthy, and came from a reputable place. Most good breeders would not even consider selling to a pet store because they are only in it for the money. Most good breeders screen their puppy homes to be sure they do not end up in the Humane Society.

Special interests have bent governments ear on most of these issues, they have the deeper pocket to do so.

Thank you for considering this bill from a small breeders perspective. I hope you will think of the taxpayer. We do pay you to do so.

Respectfully,
Debi Cary

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: debz@rubberstampplantation.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Tuesday, February 28, 2012 7:29:49 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Debra S. Zeleznik
Organization: Individual
E-mail: debz@rubberstampplantation.com
Submitted on: 2/28/2012

Comments:

I write in support of SB2494. It's about time that someone drafted meaningful legislation to protect the dogs that can't protect themselves. I've read the proposed law, and no responsible dog owner would oppose its protections. The Waimanalo case was an absolute fiasco, and authorities were helpless to intervene before the neighbor complained. That's so unfair to the canine captives! And then, to top it off, the charlatans closed their business Pet Spot and reopened as Aloha Pet--what a name, eh!--with whatever godforsaken backyard dog breeders will sell to them. They stuck taxpayers with the cost of their damage. That's just wrong. Responsible breeders won't oppose these protections. I urge you to pass this law!

Thank you,
Debra S. Zeleznik

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Donna Crabtree

Before: Senate Committee on Judiciary and Labor

Hearing: February 29, 2012 @ 9:35 am

Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
- SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions
- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
- SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training
- The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders
- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*



5001 Angel Canyon Road · Kanab, Utah 84741 5000 · (435) 644-2001 · www.bestfriends.org

27 February 2012

Senate Committee on Judiciary and Labor

Re: SB 2494

Dear Committee Members,

Best Friends Animal Society supports Senate Bill 2494 as a positive and viable means of improving the regulation of Hawaii's commercial breeding industry.

Puppy mills are an enormous problem in this country, and as a national organization committed to bringing about a time of No More Homeless Pets, we believe that legislation that better regulates commercial breeding is the best means of addressing this crisis. Our own Dr. Frank McMillan testified in the Bradley International puppy mill case in Oahu that spotlighted the critical need for this kind of legislation.

Although commercial breeding facilities are currently regulated, the current standards do not ensure a humane life for dogs; in fact, they do little more than require food, water and shelter. These types of kennels can legally have hundreds - often a thousand - dogs in one facility, and these dogs can be confined to small cages for their entire lives. Because the goal is to make a profit, the owners must cut corners to keep expenses low and profits high. For the unsuspecting consumer, this frequently results in the purchase of a puppy facing an array of immediate veterinary problems or harboring genetic diseases that surface down the line. This creates a financial burden on the consumer and results in many of these dogs being surrendered to already overcrowded shelters.

Two to four million puppies are bred in licensed and non-licensed facilities in the U.S. every year, while two to four million animals are euthanized in U.S. shelters every year -- at taxpayer expense. These are not defective, unadoptable animals, but a surplus caused by the fact that there simply are not enough homes for them. It makes no sense to continue manufacturing dogs and cats when so many are being killed for lack of space. Public education has been effective, but until communities take the initiative to limit the supply of animals being imported from these cruel and inhumane facilities, there can be no hope of preventing these unnecessary deaths.

We applaud the state of Hawaii for taking a common sense initiative to addressing these problems in your own community, and we support you in your efforts. I sincerely hope that you will support SB 2494.

Thank you for your consideration of this important proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Oreck".

Elizabeth Oreck, National Manager
Best Friends Animal Society, Puppy Mill Initiatives
puppymills.bestfriends.org

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: E. H. Chang
Before: Senate Committee on Judiciary and Labor
Hearing: Feb. 29, 2012 @ 9:35 a.m.
Conf. Room: 016

I am writing to the committee because I am concerned about Senate Bill 2494 and similar bills. These measures would impose unreasonable regulations on responsible dog breeders. I respectfully ask you to vote "NO" on this and any following arbitrary and ineffective bills.

This bill would create numerous new arbitrary and expensive restrictions on dog breeders and limit the number of dogs a responsible person can own. Our current laws already define cruelty as those who withhold food and water, medical treatment and proper shelter. SB2494 creates unnecessary new requirements that create tremendous burdens, violates my rights as a responsible dog owner, and does nothing to further protect the health and safety of dogs in Hawaii.

I am a dog owner, fancier and occasional breeder, and have been involved with my breed for almost 20 years. I participate in all of the dog shows, the main purpose of which is to display our breeding stock to see if they will meet the standard for the breed. All of the dog show participants have spent years at this sport, attending their specific breed specialty shows on the mainland in order to evaluate different specimens of the breed, and in general, obtaining all the information necessary to specialize in their particular dog breed. We attend seminars on the mainland specializing in structure, reproduction, judging, etc. in order to have the utmost expertise in our hobby. When my dogs are ill, they are provided with excellent veterinary care....last month I took a 12 year old female who seemed to be ill to my vet; after x-rays and ultrasound exams , IV medications plus a 1 day hospitalization stay, my vet recommended that she be euthanized due to an "uphill recovery status." The final bill was \$1,200.00. Incidentally she had never been bred, even though she was an AKC Champion of record. That was my decision.

Your bill states that "no person who owns.....shall breed any dog determined by a veterinarian to be unfit for breeding purposes." For this act to specify that only a veterinarian can determine that the dog can be bred presupposes that veterinarians are capable of determining expression, outline, movement, grace, type.....show qualities associated with reproducing the best possible example of the breed..... is preposterous. I know of only 1 veterinarian on the Island of Oahu who exhibits his dogs. The ordinary veterinarian is concerned with health issues in the various breeds, and most unlikely to be familiar with the different qualities of each specific breed.

All of us belong to National breed clubs that have specific rules and regulations relative to the breeding of our dogs. There are recommended contracts for selling non- show puppies on spay or neuter contracts. Our goals are to IMPROVE THE BREED, and all

National Breed clubs recommend certain genetic tests pertaining to their breeds, prior to breeding our dogs. As members of these national dog clubs, (American Rottweiler Club, Collie Club of America, American Shetland Sheepdog Association, German Shepherd Club of America, The Doberman Pinscher Club of America, etc) non-compliance with their rules and regulations can result in expulsion from the club, and possible AKC sanctions.

We are very responsible breeders and SB2494 will not automatically create more responsible owners or improve the welfare of dogs in Hawaii. It will hurt responsible breeders and dog owners like me who strive to raise healthy, well cared-for dogs and ensure they live in safe, loving homes. Also, the ownership limit will force many responsible breeders to give up dogs to a shelter where the taxpayer will have to pay to take care of them or have the euthanized. Taxpayers will also be forced to pay for inspections of my private property...which is a violation of the Fourth Amendment the Constitution of the United States.

As a responsible dog owner and on occasion, a breeder, I am extremely concerned about the unacceptable conditions in which some dogs live, but I ask you to oppose this burdensome and ineffective legislation. And as for the absurd proposed “breeder licensing fee of \$500 per year....for those of us who have only 1 litter every few years, this amounts to discriminatory taxation.

Hawaii is already known as an “anti-business state....don’t let it be labeled as one that is so influenced by the HSUS that it is not only “anti-business” but also “anti-animal”

Instead, please work on enforcing current law, which address the issue of irresponsible ownership **WITHOUT TAKING AWAY THE RIGHTS OF RESPONSIBLE BREEDERS AND DOG OWNERS LIKE ME.**

Please vote “NO” on SB2494.

/s/ E. H. Chang
235 Saratoga Road
Honolulu, HI 96815

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: lynroc@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 3:33:35 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jacqueline Thuener
Organization: Individual
E-mail: lynroc@hawaii.rr.com
Submitted on: 2/27/2012

Comments:

Being a member of our national club a certain code of ethics is followed when selling pet puppies versus show puppies and all are sold on a spay neuter contract as well as a nonbreedable AKC registration. If this can be followed by breeders which for the most part it is I see no reason for our rights to be violated as these bills surely do take away my rights as a responsible person and breeder.

TESTIMONY IN OPPOSITION TO SB2494

SUBMITTED BY: JANICE IBARAKI

February 27, 2012

I strongly oppose SB2494 and any modification of it. I have been involved in showing and occasionally have had litters of Shetland Sheepdogs over the past 37 years. I currently do not breed or show my dogs; however I believe that SB2494 in its original form would severely impair the ability of reputable breeders to produce quality dogs that uphold the standard of the breed as approved by the American Kennel Club. In the past, I have imported dogs from the mainland and only bred to produce quality dogs with the aim to show them at AKC sanctioned shows. I can say that in the years I have been in dogs that I have spent considerable amounts of time and money caring for my dogs and puppies and have definitely not made a profit.

I question why this legislation is necessary since the Legislative Auditor clearly questioned whether “puppy mills” constitute a significant problem in Hawaii that would justify state-wide regulation. I also question terms proposed in SD1 that would violate personal freedoms by allowing unannounced searches and seizures without probable cause or search warrants and the seizure of dogs based on the unlicensed status of a breeder regardless of the care given to the dogs.

I believe that there are serious flaws in the proposed SD1 and as such, SB2494 should be killed. Our show-quality prospects are precious to a breeder and this bill could potentially introduce questionable legislation that could put puppies we expended much time, money and effort to rear into jeopardy. Even in the proposed SD1 form, I have concerns that a broader application that would involve dog fanciers would be possible if this were taken to court.

I understand the initiative to this bill is the atrocious treatment of dogs found in Waimanalo but this bill could harm a greater majority of people who love their animals and go to their utmost to care for them. Please kill SB2494 and any modification of this bill as there should instead be legislation to increase the criminal penalties of existing animal cruelty laws and effective enforcement of these laws.

Thank you for your consideration, Janice Ibaraki

I am a dog owner and I vote.

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Jodie Namba
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
- SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions
- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
- SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training
- The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders
- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: junedale808@hotmail.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 4:55:38 PM
Attachments: [Testimony - Dogs.htm](#)

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Junedale
Organization: Individual
E-mail: junedale808@hotmail.com
Submitted on: 2/27/2012

Comments:

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: brianandkaye@walsh.net
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 3:54:41 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Kaye Walsh
Organization: Individual
E-mail: brianandkaye@walsh.net
Submitted on: 2/27/2012

Comments:

My name is Kaye Walsh, we live in Kaaawa, and I am the President of the Cavalier King Charles Spaniel Club of Hawaii with over 100 members, all residents and voters in Hawaii.

We oppose the passage of SB2494. This bill does not and will not stop unscrupulous large scale breeders who are expert at avoiding successful prosecution (witness the reopening of a pet shop run by the same family as the Waimanalo puppy mill - only a dissolved corporation was found "guilty").

This bill, most likely with language supplied by the mainland lobbying group, HHUS, will infringe only on the rights of law abiding, conscientious breeders of AKC registered dogs. These breeders carefully choose the homes for their puppies and provide advice and assistance to the owners, most for the lifetime of the dog. The bill provides for the warrantless searches of private property and seizures, disposition and or destruction of dogs by an organization contracting with a county of this state (in the case of Oahu, the local Hawaiian Humane Society which will benefit monetarily from the passage of this bill).

The bill currently defines a "dog breeder" as anyone with more than 10 intact dogs over the age of four months. It is not unusual for a breeder of purebred dogs to "run on" for additional months puppies from a litter in order to determine which should be sold as pets (99% of the time with limited registration and neuter contracts) and which to keep as their next generation, improving their breed. That could mean there would be more than ten intact dogs in the home over four months of age. This bill would allow the "contracted organization" to seize the dogs, charge this type of owner with a misdemeanor or a charge of cruelty to animals for each violation and a fine of \$1,000 per day for each perceived violation.

There are many potential unintended consequences of this bill and the above is only one example. The bill has been written with such specificity of minor matters that a dog's crate could not be placed more than 42 inches above the floor. That is just about waist level for the average woman who might choose to have her dog's overnight crate on a shelf so that it is easier to clean and replace food and water. Another paragraph is that each enclosure be cleaned once a day, surely good care would require this, but be practical, how would that be enforced? Look at the potential consequences.

The number of dogs in the current definition of dog breeder is "ten". It would only take a one word amendment to change the number of intact dogs in this definition to "one" and then every owner of an intact dog would be subject to this law and unannounced inspection at any time of their home, seizures of their dogs and fines. We believe this amendment would be submitted in the future, sponsored by the same mainland organizations that support this bill.

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: LaDean Gordon
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I am a former officer and member in good standing of the Poodle Club of Hawaii and a member in good standing of the The Lagotto Club of America. I have owned and exhibited Poodles for the last 4 years. I plan to responsibly breed poodles for the show ring in the future, I plan to do this by selective breeding with health testing and on a very small scale and beings this bill would effect responsible breeders and most likely send the people who are breeding irresponsibly and unethically further underground I believe that the bill is so misguided and myopic, I am compelled to speak out against it.

I oppose SB2494 for the following reasons:

- Irresponsible and inhumane dog breeders, such as “puppy mills,” can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws;
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person’s premises;
- The Legislative Auditor’s Report 11-02 dated October 2011 clearly questions whether “puppy mills” constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable.
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of Fourth Amendment rights.

- It permits seizure of dogs simply on the basis of the unlicensed status of the breeder and regardless of whether those dogs are being maintained under humane conditions.
- Even though humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing.
- It eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training.
- The proposed bill hopes to curtail the activities and misdeeds of irresponsible breeders and “puppy mills” but imposes record keeping requirements for breeding and other health information that will only be observed by responsible breeders.
- It imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children.
- This bill will impose regulations on those of us that ARE breeding responsibly and DO provide HEALTHY WELL CARED for puppies to loving home here in Hawaii as well as those of us who enjoy showing our dogs in the AKC show ring, we COMMONLY own MORE than the # of dogs that are suggested in this bill BUT, those dogs do NOT always reside with us. Responsible breeders will CO-OWN a dog that is sold to a future exhibitor so our name is registered as an owner even though the dog is in someone else’s care...this is one way we CAN ensure that our dogs are being handled RESPONSIBLY. This bill implies that WE would be RESPONSIBLE for paying for ALL dogs registered to us, meaning even the ones that are on a CO-OWNERSHIP, this would force responsible breeders to pay very high fees in order to continue BEING RESPONSIBLE.

I urge you to vote “NO” on SB2494.

/s/ LaDean Gordon
1708 Harmon Ave
Honolulu, Hawaii 96818

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Laura Sawamura
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
- SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions
- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
- SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training
- The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders
- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Lavonne Hara
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
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- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

The Pet Corner
1050 Ala Moana Blvd
Ste 1105
Honolulu, HI 96814
808-591-1990

Re: SB2494

To: Members of the Committee

I would like to address SB2494. Our store agrees with SB2494 Part I. We strongly believe that all animals that are being handled by a breeder should be treated humanely and with the up most care and respect. So, we have not opposition to Part I of SB2494, it is logical. We support the licensing & regulation of breeders. But are concerned if this is truly a feat that can be accomplished due to the man power and budget that is will take to organize.

We are in opposition of Part II of SB2494 (not SB2494 SD1) We DO NOT support the spaying & neutering of puppies/kittens at the age of 8 weeks that are sold thru a pet store. Pediatric spaying & neutering can possibly lead to complications later in life. There are recent documented studies that back up these conclusions. Pediatric spaying & neutering still needs more research, so there should not be a law that mandates pet stores have to sterilize 8 week old puppies & kittens prior to sale. We feel the decision of spaying & neutering should be left up to the customer along with the guidance of their veterinarian. Together they can make an informed decision, of when or if it is the right time to do so for the pet. Our pet store educates our customers on the importance of spaying & neutering their pets. As a result of this education from us & their veterinarian, we have a high percentage of our customers that do choose to spay & neuter their pets.

The local pet stores account for a small portion of pet sales in Hawaii. We feel that by forcing all pet store puppies & kittens to be sterilized before purchase is it selective enforcement on an industry that is already trying very hard to do the best for their customers & pets they care for. If a law like this becomes mandated, it would force consumers to obtain an unsterilized pet from less than scruples pet sellers. It would also force a large part of the pet world underground, with no regulation & no recourse for the consumer if the need arose.

I would like to make clear that are opposition is to SB2494. We have no opposition to SB2494 SD1. As long as there is no mandatory spay & neutering added to this bill.

Thank you for your time and consideration,

Don & Libbie Belback
The Pet Corner

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: LOREEN FURUYAMA
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
- SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions
- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
- SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training
- The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders
- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

LYNN Y. MURAMARU

Kapolei, Hawaii

February 27, 2012

Senate Committee on Judiciary and Labor

Hawaii State Capitol

Attn: Sen. Clayton Hee

Sen. Maile S.L. Shimabukuro

Sen. Mike Gabbard

Sen. Les Ihara, Jr.

Sen. Sam Slom

**Re: Testimony in Opposition to SB2494
February 29, 2012 @ 9:35 a.m. Conf. Rm 016**

Dear Senators:

I have owned and bred champion Miniature Schnauzers and Border Terriers for over 30 years. I am a member of the American Miniature Schnauzer Club, Border Terrier Club of America, Miniature Schnauzer Club of So. California, Border Terrier Club of So. California, and American Working Terrier Association. I am licensed by the American Kennel Club to judge earthdog tests. I am also the current president of Terriers In Paradise-Hawaii, Inc., an AKC performance club.

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws;
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises;
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether substandard breeders constitute a

significant problem in Hawaii and doubts that state wide regulation would be justifiable.

- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of Fourth Amendment rights.
- It permits seizure of dogs simply on the basis of the unlicensed status of the breeder and regardless of whether those dogs are being maintained under humane conditions.
- Even though humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing.
- It eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training.
- The proposed bill hopes to curtail the activities and misdeeds of irresponsible and substandard breeders but imposes record keeping requirements for breeding and other health information that will only be observed by responsible breeders.
- It imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children.

Bills like this threaten the very existence of purebred dogs. I urge you to vote “NO” on SB2494.

Yours truly,

Lynn Y. Muramaru
Kapolei, HI

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Mary A. Wilkowski, Esq.
Organization: Individual
E-mail: maw808@aol.com
Submitted on: 2/27/2012

Comments:

Aloha, I support the intent and letter of SB 2494, and the push-back from members of the dog community surprises me. The bill's requirements are sane, humane, and not unduly burdensome. Legitimate dog breeders will comply willingly. Breeders who don't comply with its requirements SHOULD be shut down, for the simple reason that those in their charge cannot speak for themselves. Thank you for having the courage to follow through. Mahalo,
Mary A. Wilkowski, Esq.

Comments on points raised by opponents to SB2494

- § Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws **The issue is access to premises. Although neighbors and authorities arguably knew that the Waimanalo mill was operating, existing laws did not allow the humane society/ASPCA/County officials to enter the premises and rescue the canine inhabitants until a neighbor happened to complain.**
- § Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises. **I'm sure you'll agree that, without access, it's difficult to count/confirm the number of dogs on a person's premises.**
- § The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable. **If puppy mills aren't a problem, then the law's protections won't deter legitimate breeders from conducting their business.**
- § SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our

Fourth Amendment rights I'm sorry, but the Supreme Court has removed virtually all of our rights to oppose searches and seizures. Trust me, I support the Fourth Amendment and have vigorously litigated these matters. However, we--and I mean all of us--have lost that battle. Frankly, it seems that Second Amendment protections--you know, the one that requires everyone to carry a concealed weapon into church and Starbucks (only partially kidding)--are increasing to the same extent as Fourth Amendment protections are decreasing.

§ SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions. **It's easy enough to comply with the proposed law, right? Isn't compliance a small price to pay to ensure that those without voices are protected?**

§ Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing. **The law establishes the standard, right? Do you oppose the standard? The details seem easy to understand and to satisfy.**

§ SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training **I really don't think so. This argument is a red herring. Established training methods are eminently defensible, and I can't imagine a scenario in which a specific dog owner is targeted unless--and I do mean unless--s/he owns more than 30 dogs and has thus invited target practice on the giant bulls-eye s/he wears on her/his back.**

§ The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders. **Perfect!! Responsible breeders already keep records**

and health information concerning their dogs, so this proposed legislation does not burden the responsible.

§ SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed. Sorry, unlike kids and adults, dogs can't replace the batteries in the fire alarms, can't get to the fire extinguisher, and can't dial 411. Only their screams as they die might alert people that something's terribly wrong. And then it's too late.

.
For the reasons I've stated, I urge you to vote "YES" on SB2494. I love dogs and I, too, vote.

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Michiro Iwanaga
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I am an officer of the Shetland Sheepdog Club of Hawaii and a member of the Boards of Directors of the West Oahu Kennel Club and the Obedience Training Club of Hawaii. I have owned and exhibited Shetland Sheepdogs for the last ten years. I am an occasional breeder of Shetland Sheepdogs. Thus, SB2494 would not technically apply to me. Nevertheless, the bill is so misguided and myopic, I am compelled to speak out against it.

I oppose SB2494 for the following reasons:

- Irresponsible and inhumane dog breeders, such as “puppy mills,” can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws;
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person’s premises;
- The Legislative Auditor’s Report 11-02 dated October 2011 clearly questions whether “puppy mills” constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable.
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of Fourth Amendment rights.

- It permits seizure of dogs simply on the basis of the unlicensed status of the breeder and regardless of whether those dogs are being maintained under humane conditions.
- Even though humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing.
- It eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training.
- The proposed bill hopes to curtail the activities and misdeeds of irresponsible breeders and “puppy mills” but imposes record keeping requirements for breeding and other health information that will only be observed by responsible breeders.
- It imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children.

I urge you to vote “NO” on SB2494.

/s/ Michiro Iwanaga
1327 Haku Place
Honolulu, Hawaii 96819-1633

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: mokesplace@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Saturday, February 25, 2012 4:48:08 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Moke Strassberg
Organization: Individual
E-mail: mokesplace@hawaii.rr.com
Submitted on: 2/25/2012

Comments:

As a dog fancier, past president of the Golden Retriever Club of Hawaii, person who has participated in dog shows, dog obedience trials and a current AKC obedience judge, I stand in opposition to SB2494. There are several reasons for my opposition...the least of which is the issue of mandatory spay/neutering. Just like any living creature, hormones are absolutely necessary for proper development during the formative years. Denying those hormones to domestic animals at such an early age will have a terribly adverse effect on their growth. It will diminish the availability of quality dogs and eventually all dogs. Reputable breeders only breed to improve their breed...not just to make more puppies. Creating SB2494 is a very large net intended only to catch those few people who breed dogs indiscriminately for profit and profit alone. It should be noted that reputable breeders don't breed dogs that are obviously not breeding material. All hips are X-rayed and certified by the Orthopedic Foundation for Animals before they can be bred. They also give protection to buyers through contracts in the event of crippling hip dysplasia. This is something that backyard breeders and puppy mills will never do. For them, it's all about money and those are the people you should be dealing with....not the reputable breeder who is trying very hard to do things right but will get caught up in all the wrong wording if this bill is passed. I fear that SB2494 is a kneejerk reaction to the recent puppy mill situation we had on Oahu and the inability of authorities to adequately deal with the guilty parties. It should also be noted that I am against the sale of puppies in pet stores because the breeders of those animals don't care about them but are only into breeding them for profit. No reputable breeder would ever turn their puppies over to a pet store. It is the obvious puppy mills and pet stores they deal with that you should be looking into. Please leave the true breeders who love their dogs and are trying to improve the breed through intelligent breeding practices alone. Stay on course with obvious puppy mills and over-zealous backyard breeders and put a stop to selling through pet stores. SB2494 will only create a situation where the effort to create better dogs by reputable breeders will be hampered and the puppy mills, which operate on the fringe of society anyway, will continue to do so in the shadows.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: mtomasu@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Sunday, February 26, 2012 4:20:15 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Mona Tomasu
Organization: Individual
E-mail: mtomasu@hawaii.rr.com
Submitted on: 2/26/2012

Comments:

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: nomie_34@yahoo.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 9:46:20 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Naomi Egami
Organization: Individual
E-mail: nomie_34@yahoo.com
Submitted on: 2/27/2012

Comments:

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: jeskennels@yahoo.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 12:47:22 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: nikki char
Organization: Individual
E-mail: jeskennels@yahoo.com
Submitted on: 2/27/2012

Comments:
TESTIMONY IN OPPOSITION TO SB2494

Testimony of: _____Nikki Char_____

Before: Senate Committee on Judiciary and Labor

Conf. Room: 016

I oppose SB2494 for the following reasons:

Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws

Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises

The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable

SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights

SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions

Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing

SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training

The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders

SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. I am a dog fancier and I vote.

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Pamela Higgins

Before: Senate Committee on Judiciary and Labor

Hearing: February 29, 2012 @ 9:35 am

Conf. Room: 016

I oppose SB2494 for the following reasons:

§ Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws

§ Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises

§ The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that statewide regulation would be justifiable

§ SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights

§ SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions

§ Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing

§ SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training

§ The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders

§ SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog lover and I love both pure bred and mixed breed dogs.*

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: fpdaniel@hawaiiantel.net
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Saturday, February 25, 2012 1:20:20 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: patti daniel
Organization: Individual
E-mail: fpdaniel@hawaiiantel.net
Submitted on: 2/25/2012

Comments:

I am a small time breeder of purebred dogs for the show ring. This is a bad bill and I am testifying against it. Do Not Pass this Bill! We need intact dogs for Hawaii's show rings!

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Paula Kakaio
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
- SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions
- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
- SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training
- The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders
- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: ptarail@hawaii.rr.com
Subject: Testimony for SB2429 on 2/28/2012 10:00:00 AM
Date: Tuesday, February 28, 2012 7:46:00 AM

Testimony for JDL 2/28/2012 10:00:00 AM SB2429

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Phyllis Tarail
Organization: Individual
E-mail: ptarail@hawaii.rr.com
Submitted on: 2/28/2012

Comments:

I am a member of the Board of Directors of the Luala'i Homeowners Association in Waimea (Kamuela)--
Hawai'i Island. We are struggling to deal with obtaining our association fees from delinquent
homeowners and banks who own defaulted mortgages. We sometimes need longer than 2 years to
collect at least some of back association fees via liens. Please don't punish our small HOA by passing
this bill.

Mahalo,
Phyllis Tarail

Date: 2/2/12

To: Senator Hee
Senator Shimabukuro
The Committee on Judiciary and Labor

Ref: Opposition to S.B. 2494

Dear Senator Hee, Senator Shimabukuro, and Committee members,

I would like to take the opportunity to respond to **SB2494**, which in section II, prohibits the sale of dogs and cats in a pet store without first being surgically sterilized.

Any bill of this nature will effectively eliminate the one place where a family can purchase a puppy openly, with guarantees, in an environment that that can be monitored not only by the general public, but the Humane Society to ensure animals are maintained in a healthy environment. This bill also proposes to eliminate the sale of dogs less than eight weeks old. While many pets sold are in fact eight weeks old or older, in some cases (for instance, larger breed dogs), they are often offered at six or seven weeks old. The time between six and twelve weeks old is crucial for the bonding experience to take place between the puppy and their new family, and we feel this would be detrimental to that experience. All puppies are carefully examined by a licensed veterinarian at their clinic, and are only accepted for sale if found fit and are weaned properly (i.e., eating and drinking on their own).

We have seen this specific legislature attempted last year, and again this year in SB2504 and SB2198. Pet retailers represent a very small segment of the community offering pets for sale. All puppies offered through our store, and most other pet stores, are vet checked prior to placement, and receive first vaccinations and de-worming. They receive another vet check after sale, as well. We also provide a minimum \$1,000 Health Warranty in writing good for 1 year after purchase. We have records of this to provide to all customers. These bills that are mandating sterilization are discriminatory against pet retailers, and Hawaii small business.

SB2494 SD1 Proposed, however, is a different matter. As this process of lawmaking is very new to my family and me, we do not know which version of this bill is being heard on February 29. We take much less issue with the bill, as proposed in the SD1 version. Although at some point the Hawaii Humane Society should be asked to validate the figures they use to support their reason for introducing the bill (and others like it), we do support legislature to protect the welfare of our island pets. We have fewer reasons to oppose this bill in the SD1 Proposed version.

Respectfully,

Ricky A Baker
The Pet Hale

Micro-chipping a pet should be the owner's decision, not a law to be enforced through retail pet stores. Many owners do not want, or feel the need, to have a foreign object inserted into their pet's neck. The size needle used for this procedure is substantial, and it should be the new owner's decision whether to inflict this procedure on their pet. Many veterinarians are reluctant to perform this procedure on puppies less than 4 pounds, and often will recommend it be done while under anesthesia when the puppy is spayed or neutered, which is usually at the age of 6 months. Again, there is no law mandating this procedure to the general public, yet pet stores are expected to enforce this practice prior to selling a pet.

The Humane Officer, or Animal Control Officer, should have just cause to request breeder information from a pet shop. The families that provide puppies for a retail store should not be subjected to visits from the Humane Officer unless there are legitimate concerns or complaints about that store. We feel that if there are concerns about those purchases, than the customers who have these concerns will have the breeder information to provide to animal control anyway. Local law enforcement officers are not allowed to demand entrance to anyone's residence without just cause, yet we should allow animal control to? Many families that have puppies they wish to rehome do not want strangers coming to their house. They are uncomfortable making the attempt to place them, and trust us to help them do so. Most of these families are not breeders, and any visit from an animal control officer would not be to inspect breeding kennels, but rather their bedrooms, kitchens or living rooms where their pets are cared for. We respect the privacy of these families, and we respect the privacy of our customers. We consider this a violation of that privacy.

We understand the need to strengthen laws to protect our islands pets, as well as the consumers who purchase them. We feel this can be accomplished without "targeting" Pet Stores, and without discriminating against the Hawaii small businesses who are contributing to Hawaii's economy in a conscientious, ethical manner.

Respectfully,

Ricky A. Baker
The Pet Hale

February 27, 2012

Koolau Pets

46-056 Kamehameha Hwy.
Kaneohe, HI 96744
808-235-6477

SB2494 SD1-SUPPORT

Aloha Senators and Committee Members,

In reading Part I of bill SB2494 SD1 Proposed, we agree with all of its content in respect to the welfare of dogs in any type of breeding facilities and see the need to ensure proper care being provided to them. It is so disturbing to think that there are dogs being kept in inadequate or horrendous conditions and not being regularly checked by a veterinarian. The worst part is that those involved with the Waimanalo puppy mill are untouchable.

Regulation may be difficult with limited budgets and officers.

As for SB2494, we OPPOSE Part II of its content. There is no evidence that shows that all pets relinquished to the shelters are originating from pet stores. Mandating that all puppies and kittens be spayed/neutered prior to sale is taking away a person's right to decide how to care for their pet. With the education we provide on the benefits of spaying or neutering and under the advice of their veterinarian, the customer will be left with this decision. This is not going to solve the pet over-population issue.

Due to the high cost of spaying and neutering, we have referred a number of customers to low cost clinics to have this procedure done, at the right time, and have had great response.

Mandating this spay and neuter is going to open a Pandoras box of other issues. There will be more underground activities. We provide the utmost care for all of our animals and ensure that they are going to homes with responsible owners who will do what is best for their pet.

Mahalo for your time,
Mel & Napua Furtado and Koolau Pets

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: sandrascar@aol.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Sunday, February 26, 2012 8:55:22 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Sandra Scarr
Organization: Aloha Labradors
E-mail: sandrascar@aol.com
Submitted on: 2/26/2012

Comments:

To the Chair of the Judiciary Committee and Members of the Committee:

I appreciate the intent of SB 2494 to protect dogs from unscrupulous breeding practices. In Hawaii and across the mainland, there are large facilities that breed for profit with little regard for the welfare of the dogs they breed or the puppies they produce and sell to unwitting buyers. We all want to regulate these puppy mills.

The current bill unfortunately includes many ethical breeders of purebred dogs, who operate sanitary, humane, and responsible kennels for the betterment of the breeds they sponsor.

I have bred Labrador retrievers for 11 years in Kona (www.AlohaLabradors.com). My dogs are exercised around a 9-acre farm, housed in spacious outdoor kennels, with a swimming pool. They are fed a raw-meaty-bones diet of local grass-fed beef and COSTCO and Safeway chickens, turkeys, and pork. They receive regular veterinary care, have certified OFA hips and elbows, CERF certified clear eyes, and genetic testing for CNM and EIC. The dogs are beloved pets. Puppies are born and raised in my house. Puppies are handled and cuddled for 8 weeks, checked by a veterinarian, and given a first inoculation before they are allowed to go to permanent homes.

Because I have 10 Labs of breeding age, this bill would apply to me. It will cost me, and dozens of other responsible purebred dog breeders, many hundreds of dollars per year, with no benefit to the dogs or to animal welfare in general. It will take valuable time away from Humane Society activities to protect dogs that need their help.

A bill to correct the terrible abuses observed in the Waimanalo puppy farm and similar mass breeding operations, should not include small, responsible kennels that meet the highest standards for AKC kennels. Legislation should address large breeding operations that exploit breeding animals and sell pitiful, unsocialized puppies to pet shops.

Please do not pass this bill.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: elaineJohnson@nerdshack.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Saturday, February 25, 2012 2:30:56 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: elaine Johnson
Organization: Individual
E-mail: elaineJohnson@nerdshack.com
Submitted on: 2/25/2012

Comments:

Please support this bill and help to stop animal cruelty, overpopulation, and starvation.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: sherlanedick@msn.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Monday, February 27, 2012 7:18:53 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position:
Testifier will be present: Yes
Submitted by: sherlane
Organization: Individual
E-mail: sherlanedick@msn.com
Submitted on: 2/27/2012

Comments:

Thank you. I oppose this bill for the tax payers costs to administer the fees, standard, licensing, inpose penalties etc. This should not be imposed on responsible dog breeders. Those irresponsible breeders are taken care of on a case by case basis using all the laws pm the books.

Money could be better spent on the homeless of Hawaii.

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Sherrie Sawamura
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
- SB2494 permits the seizure of dogs simply on the basis of the unlicensed status of the breeder regardless of whether those dogs are being maintained under humane conditions
- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
- SB2494 eliminates the long-recognized humane use of crates for housing dogs during meal times, limited nocturnal and day time periods, and toilet training
- The proposed SB2494 bill hopes to curtail the activities and misdeeds of substandard breeders but imposes record keeping requirements for breeding and other health information that currently are observed by breeders
- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: pokazot@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Tuesday, February 28, 2012 6:54:53 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: stanley oganeku
Organization: Individual
E-mail: pokazot@hawaii.rr.com
Submitted on: 2/28/2012

Comments:

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: tedketcham@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Tuesday, February 28, 2012 7:52:04 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ted Ketcham
Organization: Leeward Training Club of Hawaii
E-mail: tedketcham@hawaii.rr.com
Submitted on: 2/28/2012

Comments:
Ref: SB2494

Re: Strong opposition to SB2494

Dear Senate Committee on Judiciary and Labor:

I am the President and the Director of Training for Leeward Training Club of Hawaii, a dog obedience training club that has been operating in Mililani since 1969. We currently have about 300 members. We have evolved to use positive, humane, creative and fun training techniques. I am a resident of Kapolei and writing as an individual. However, I am sure that our Board of Directors and general membership share the same opinion regarding this issue.

In business there is a widely accepted rule that it is more harmful to correct an exception with massive regulations and rules than to simply correct the exception. It seems clear that recent attempts to control the exception (irresponsible dog breeders) has resulted in the State Legislature attempting to put forward onerous regulations that are far beyond what is necessary and far beyond what makes good common sense. It would be a good time to take a step back; it seems like you are over-reaching and over-regulating. As my father once said, "You are hunting rabbits with hand grenades";.

Recently, a couple of puppy-mill operations have gotten a lot of press. Regarding one of them, the HHS stepped in and was able to re-home most of the abused animals. The mistreatment of these animals was horrendous and deserves extremely harsh punishment for the perpetrators. I know that the HHS was very careful to ensure it had the authority and that has been the focus of judicial consequence. That seems to have been mostly resolved and the animals are in better homes and receive much better care.

More research and input is needed before any more bills proceed any farther as it seems the pending legislation misses the mark and imposes collateral damage and harm on innocent bystanders. That may not be the intent, but that is the result. You may have good intentions but the results will be horrible.

I urge you to scrap this bill (as well as similar bills), do some more research and homework and go back to the drawing board. Get feedback from ethical breeders, the public and even the slimeballs who run puppy mills to understand differences of opinion regarding what defines cruelty. Then define under what circumstances the HHS has the clear authority to investigate and stop cruelty. Perhaps give the HHS more teeth to do their job but please stay away from massive regulations to control and stop the exceptions. There is little common sense in the pending legislation. The answer is not to become the Pet Gestapo.

You have a tough job to find the balance to allow maximum freedom for individuals while minimizing animal abuse. You can do it. Use your common sense.

I thank you for your service and efforts.

Best regards,

Ted Ketcham
President and Director of Training
Leeward Training Club of Hawaii
808 674 9000
tedketcham@hawaii.rr.com

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: regalchihuahuas@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Tuesday, February 28, 2012 9:06:51 AM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Terry Nii
Organization: Individual
E-mail: regalchihuahuas@hawaii.rr.com
Submitted on: 2/28/2012

Comments:

I oppose SB2494 for the following reasons:

It imposes unreasonable restrictions on how to best care for animals without regards to their circumstances, age, or condition. It takes away fourth amendment rights by allowing search and seizure without probable cause or search warrants.

The bill was crafted with input from the HSUS and NO input from actual responsible breeders/dog or cat fanciers.

Last year (2011), Marion Higa the Legislative Auditor concluded that breeder legislation was not necessary, and not practical to enforce.

I urge you to vote "NO" on SB2494.

Tish Rothwell
The Pet Depot
91-919 Fort Weaver Rd.
Ewa Beach, HI 96706

Regarding SB 2494

To Honorable Senators and Committee members;

Part 1: I agree with; that all dogs that are handled by breeders need to be treated with humane care and treatment during all phases of their lives. To provide adequate shelter, food, water and veterinary care, and a clean environment that is spacious is absolutely necessary.

Requiring licensing will only assure that the breeders can be regulated and that the dogs are being treated humanely with proper care.

I question whether the state is ready to take on such a task, given our limited budgets.

I oppose Part II of SB 2494

(Please Note that this is **NOT** in opposition to SB2494 S.D. 1 Proposed)

Pet stores only make up a small portion of pet sales in Hawaii, mandating that pet stores sterilize all puppies and kittens prior to sale, does not address pet over-population issues.

Pet stores are in a position to educate their customers regarding spaying and neutering, which we do on a regular basis. I feel the decision to spay/neuter should be the decision of the new pet owner. This discussion should take place with the pet owner's veterinarian, and at the appropriate age. We have a high percentage of our customers who do have had their dogs spayed/neutered, when appropriate and according to the specific conditions of the dog.

We feel that pediatric spay/neuter before eight weeks old is too young. Just as for other veterinary procedures, we feel veterinarians should use their best medical judgment in deciding at what age sterilization should be performed, case by case, on individual animals. This subject continues to be very controversial and there is still insufficient data to conclusively determine when the best time to fix a pet is. With that in mind, it would be irresponsible to mandate that pet stores be mandated by law to do pediatric sterilization on all puppies and kittens before sale.

If pet stores are mandated to sell only sterilized puppies and kittens, there will be a rise of irresponsible and indiscriminate sales of dogs and cats. Pet stores hold higher standards of veterinary care. We are also more apt to screen prospective pet owners before they make the important decision of adding a pet to their family.

Thank you for your time and consideration to my concerns.

Sincerely, Tish Rothwell

TESTIMONY IN OPPOSITION TO SB2494

Testimony of: Ursula Yee
Before: Senate Committee on Judiciary and Labor
Hearing: February 29, 2012 @ 9:35 am
Conf. Room: 016

I oppose SB2494 for the following reasons:

- Substandard and inhumane dog breeders can be controlled by increasing the criminal penalties under existing animal cruelty and related laws and by more effective enforcement of those laws
- Applicable zoning laws already impose limits on the number of dogs permitted in or on a person's premises
- The Legislative Auditor's Report 11-02 dated October 2011 clearly questions whether "puppy mills" constitute a significant problem in Hawaii and doubts that state wide regulation would be justifiable
- SB2494 violates personal freedoms of licensees by allowing unannounced searches and seizures without probable cause or search warrants. Under state law, not even registered gun licensees are subject to such a violation of our Fourth Amendment rights
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- Although humane care and housing of dogs can take many forms, SB2494 imposes a single, rigid, and inflexible view of what constitutes appropriate care and housing
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- SB2494 imposes requirements for dogs, such as fire suppression, when our building codes do not do the same for households with children going beyond reasonable and level-headed activity.

I urge you to vote "NO" on SB2494. *I am a dog fancier and I vote.*

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: ran@hawaii.rr.com
Subject: Testimony for SB2494 on 2/29/2012 9:35:00 AM
Date: Saturday, February 25, 2012 2:12:36 PM

Testimony for JDL 2/29/2012 9:35:00 AM SB2494

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: Winifred Nakatsu
Organization: Individual
E-mail: ran@hawaii.rr.com
Submitted on: 2/25/2012

Comments:

I do not understand why we ask our paid auditor for advice and then disregard her findings. Are we that arrogant? Eight week old puppies are not old enough to go thru sterilization. If we are thinking about the welfare of the animal, think about it. Bad bill!!