
A BILL FOR AN ACT

RELATING TO COMMERCIAL DOG BREEDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

1
2 SECTION 1. The legislature finds that an estimated forty-
3 three per cent of households in Hawaii include a dog. Profit-
4 driven breeding is prevalent in Hawaii and research by the
5 Hawaiian Humane Society reveals that on Oahu, during a two-week
6 period in November 2011, over three hundred sixty puppies were
7 available for sale. When projected over a one-year period,
8 revenues from sales of dogs may be equal to or exceed
9 \$9,400,000.

10 The legislature further finds that a law is needed to
11 ensure that dogs at large-scale breeding facilities receive
12 sanitary living conditions, proper and timely medical care, the
13 ability to move freely at least once per day, and adequate
14 shelter from the elements. Existing state and federal laws
15 regarding the care and husbandry of dogs inadequately regulate
16 large-scale breeding facilities in Hawaii. Inadequate
17 regulation places an unfair fiscal burden on the county and
18 state taxpayers, government agencies, and nongovernmental



1 organizations, whose resources contribute to the care of dogs
2 discarded or abused by large-scale breeding facilities.

3 The purpose of this part is to:

4 (1) Define a "dog breeder" as any person who owns,
5 possesses, controls, or otherwise has charge or
6 custody of more than ten dogs over the age of twelve
7 months with intact sexual organs, and who sells,
8 barters, or otherwise transfers more than three
9 litters or more than twenty-five dogs per calendar
10 year;

11 (2) Require dog breeders to meet minimum standards of care
12 to ensure the proper treatment and care of the dogs
13 and the dogs' offspring;

14 (3) Prohibit the ownership or custody of more than thirty
15 dogs over the age of one year with intact sexual
16 organs; and

17 (4) Require dog breeders to maintain specific written
18 records of each dog for a specified period.

19 SECTION 2. The Hawaii Revised Statutes is amended by
20 adding a new chapter to be appropriately designated and to read
21 as follows:

22 "CHAPTER



1 **PREVENTION OF CRUELTY TO DOGS**2 § -1 **Definitions.** As used in this chapter:3 "Dog" means any animal that is wholly or in part of the
4 subspecies *Canis lupus familiaris*.5 "Dog breeder" means any person who owns, possesses,
6 controls, or otherwise has charge or custody of more than ten
7 dogs over the age of twelve months with intact sexual organs,
8 and who sells, barter, or otherwise transfers more than three
9 litters or more than twenty-five dogs per calendar year.10 "Litter" means one or more dogs that are born to the same
11 mother at the same time.12 "Person" means any individual, firm, partnership, joint
13 venture, association, limited liability company, corporation,
14 estate, trust, receiver, or syndicate; provided that the term
15 shall not include:16 (1) An animal control or welfare agency tax exempt under
17 title 26 United States Code section 501(c)(3);18 (2) A person who provides care for dogs at the request of
19 a government agency; or

20 (3) A veterinary clinic.

21 "Regular exercise" means providing the dog with constant
22 and unfettered access to an outdoor or indoor exercise area that

1 provides at least four times the square footage of indoor floor
2 space required for each dog pursuant to paragraph (3) of the
3 definition of "sufficient housing or shelter".

4 "Sufficient food and clean water" means access to adequate
5 amounts of appropriately nutritious food to maintain good
6 health; and continuous access to potable water that is
7 substantially free from debris, feces, algae, and other
8 contaminants.

9 "Sufficient housing or shelter" means constant and
10 unfettered access to an indoor enclosure that:

- 11 (1) Is sufficiently ventilated at all times to minimize
12 odors, drafts, and ammonia levels, and to prevent
13 moisture condensation;
- 14 (2) Has a means of fire suppression, such as functioning
15 fire extinguishers, located within forty feet of the
16 cage or enclosure;
- 17 (3) Has sufficient lighting to allow for observation of
18 the dogs at any time of day or night;
- 19 (4) Is not placed more than forty-two inches above the
20 floor;
- 21 (5) Is not stacked or otherwise placed on top of or below
22 another animal's cage or primary enclosure; and



1 (6) Is cleaned at least once a day of feces, hair, dirt,
2 debris, and food waste.

3 "Sufficient space for movement" means the following:

- 4 (1) Sufficient indoor space for each dog to lie down and
5 fully extend limbs and stretch freely without touching
6 the sides of the enclosure or another dog, and to turn
7 in a complete circle without any impediments,
8 including a tether;
- 9 (2) At least twelve inches of headroom above the head of
10 the tallest dog in the enclosure when it is in a
11 normal standing position; and
- 12 (3) A square footage that includes at least:
- 13 (A) Twelve square feet of indoor floor space for each
14 dog that is no more than twenty-five inches in
15 length;
- 16 (B) Twenty square feet of indoor floor space for each
17 dog that is no less than twenty-five inches and
18 no more than thirty-five inches in length; and
- 19 (C) Thirty square feet of indoor floor space for each
20 dog that is more than thirty-five inches in
21 length;



1 provided that the length of the dog shall be measured
2 from the tip of the nose to the base of the tail.

3 "Sufficient veterinary care" means, at minimum:

- 4 (1) An examination performed at least once a year by a
5 veterinarian licensed under chapter 471;
- 6 (2) Prompt treatment of any illness or injury by a
7 veterinarian licensed under chapter 471, when needed
8 to prevent suffering; and
- 9 (3) Humane euthanasia, when needed, by a veterinarian
10 licensed under chapter 471, using lawful techniques
11 deemed acceptable by the American Veterinary Medical
12 Association.

13 § -2 **Limit on number of dogs.** No person shall own,
14 possess, control, or otherwise have charge or custody of more
15 than thirty dogs, with intact sexual organs and over the age of
16 one year, at any time.

17 § -3 **Standard of care; recordkeeping.** (a) A dog
18 breeder shall provide the following for each dog:

- 19 (1) Regular exercise;
- 20 (2) Sufficient food and clean water;
- 21 (3) Sufficient housing or shelter;
- 22 (4) Sufficient space for movement;



1 (5) Sufficient veterinary care; and
2 (6) A microchip implanted under the skin;
3 provided that no microchip shall be implanted in any dog aged
4 less than four months.

5 (b) No dog breeder shall breed any dog:

6 (1) Unless the dog is between the ages of twelve months
7 and eight years of age;

8 (2) To produce more than two litters in any eighteen month
9 period; or

10 (3) Determined by a veterinarian to be unfit for breeding
11 purposes.

12 (c) A dog breeder shall maintain a record for each dog and
13 the dog's offspring including the following information:

14 (1) Each breeding dog shall be identified by the
15 implantation of a microchip, and each dog's health
16 records shall accurately record the appropriate
17 identification;

18 (2) All veterinary treatment, including the following:

19 (A) A record of each inoculation and de-worming
20 treatment, if any, including the dates and types
21 of treatments administered; and



- 1 (B) A record of any veterinary treatments or
- 2 medications received;
- 3 (3) The date of birth of the dog or, if the date of birth
- 4 is unknown, the date the dog breeder acquired
- 5 possession, control, or charge of the dog and the
- 6 source of the dog;
- 7 (4) The dates on which the dog has been bred;
- 8 (5) For a female, the number of dogs in each litter
- 9 produced; and
- 10 (6) The disposition the dog breeder makes of each dog
- 11 possessed by, controlled by, or in the charge of the
- 12 dog breeder, including the date of disposition, manner
- 13 of disposition, and the name and address information
- 14 for any person taking possession, control or charge of
- 15 a dog.

16 Records shall be retained for at least three years
17 following the death of the dog or a date on which the dog
18 breeder permanently ceased to have possession or control of the
19 dog.

20 § -4 Prohibitions on certain types of dogs in the same
21 enclosure. No dog breeder shall place:



- 1 (1) A dog with a vicious or aggressive disposition in an
2 enclosure with another dog, except for breeding
3 purposes;
- 4 (2) Breeding females in heat in the same enclosure at the
5 same time with sexually mature males, except for
6 breeding purposes;
- 7 (3) Breeding females and their litters in the same
8 enclosure at the same time with other adult dogs; and
- 9 (4) Puppies aged twelve weeks or younger in the same
10 enclosure at the same time with other adult dogs,
11 other than the dam or foster dam, unless under
12 immediate and constant supervision.
- 13 § -5 **Penalty.** Any person who violates section -2,
14 -3, or -4 shall be guilty of a misdemeanor. Each
15 violation shall constitute a separate offense. If the
16 circumstances warrant a charge of cruelty to animals in the
17 second degree prescribed under section 711-1109, the defendant
18 may be charged with violating that section instead.
- 19 § -6 **Severability.** Any violation of section -2,
20 -3, or -4 shall be in addition to and not in lieu of any
21 other state and federal laws protecting animal welfare.
- 22 Sections -2, -3, and -4 shall not be construed to limit



1 any state law, rule, or regulation protecting the welfare of
2 animals, nor shall anything in these sections prevent a local
3 governing body from adopting and enforcing its own animal
4 welfare laws and regulations in addition to these sections."

5 **PART II**

6 SECTION 3. The legislature finds that Hawaii does not
7 currently regulate the breeding of dogs. However, in early
8 2011, the discovery of a puppy mill in Waimanalo focused
9 attention on dog breeders and the potential for cruel and
10 inhumane conditions.

11 The legislature further finds the Animal Welfare Act was
12 first enacted by Congress in 1966. This federal law requires
13 licensure and regulation of certain types of businesses that
14 fall under the category of animal dealers. However, the law
15 exempts businesses, such as the Waimanalo puppy mill, that fall
16 under certain categories, including retail pet stores, retail
17 chain stores, hobby breeders, and direct sales.

18 During the regular session of 2011, S.B. No. 1522, S.D. 2,
19 H.D. 1, was introduced and heard throughout the legislative
20 process. This measure proposed that the department of commerce
21 and consumer affairs issue licenses to large-scale dog breeders
22 after the breeders meet certain licensure requirements, and



1 authorized the department's director to enforce the new law.
2 S.C.R. No. 111, S.D. 1, was also adopted during the regular
3 session of 2011. This resolution directed the auditor to
4 conduct a sunrise review of the regulation of large-scale dog
5 breeders and dog breeding facilities, as proposed under S.B. No.
6 1522, S.D. 2, H.D. 1.

7 In October 2011, the office of the auditor issued its
8 corresponding report. According to the auditor's report, S.B.
9 No. 1522, S.D. 2, H.D. 1, did not meet the criteria for
10 regulation of large-scale dog breeders through the State's
11 regulatory agency. However, the report did cite other
12 alternatives that could be used to protect dogs, including laws
13 in other states, the American Veterinary Medical Association's
14 model law, a county-based regulatory model, and puppy lemon
15 laws.

16 In considering the strengths of various states' laws and
17 the most appropriate structure for regulating dog breeders, the
18 legislature finds merit in authorizing counties to conduct or
19 contract for inspections and to implement minimum requirements
20 for the housing and treatment of breeding dogs. The counties
21 are presently charged with issuing dog licenses and regulating
22 animals pursuant to chapter 143, Hawaii Revised Statutes.



1 The legislature also finds that the local humane societies
2 designated by the counties currently have in place the
3 structure, personnel, and contracts with humane organizations to
4 handle animal control. In contrast, the legislature understands
5 that the department of commerce and consumer affairs is not
6 equipped to administer regulation of animal breeders and
7 recognizes that the department of agriculture's resources are
8 also strained by its existing duties.

9 The legislature additionally finds that there is not
10 reliable information on the number and size of large-scale dog
11 breeders in the State. While it is believed that Oahu has
12 approximately twenty large-scale dog breeders and the island of
13 Hawaii has approximately ten, it is also believed that Maui and
14 Kauai do not have any.

15 The legislature finds that regulation at the county level
16 is the most reasonable approach in addressing dog breeders. The
17 legislature understands that county officials may have concerns
18 associated with the costs and responsibility of regulating dog
19 breeders. However, the legislature notes that the Hawaiian
20 Humane Society on Oahu has indicated a willingness to assist
21 with this responsibility at no extra cost to the State. The
22 legislature hopes that the Hawaiian Humane Society will be



1 equally supportive of dog breeder regulations if handled on a
2 county level.

3 The purpose of this part is to:

4 (1) Require the licensing of dog breeders to ensure that
5 every dog under their care is provided with sufficient
6 food and clean water, sufficient shelter from the
7 elements, necessary veterinary care, sufficient space,
8 and regular exercise, among other things;

9 (2) Allow each county or its contracted local humane
10 society the flexibility to assess the county's own
11 situation, determine whether the need for regulation
12 exists, and develop appropriate rules for housing and
13 treatment of dogs by dog breeders, if necessary; and

14 (3) Require each county or its contracted local humane
15 society to assess appropriate license fees for dog
16 breeders and to pursue civil penalties for
17 noncompliant dog breeders.

18 SECTION 4. Chapter 143, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:

21 "§143- Dog breeders; license required; fees; minimum
22 requirements; premises available for inspection; civil



1 penalties. (a) It shall be unlawful for any person to own or
2 operate as a dog breeder unless the person obtains a valid
3 license as a dog breeder pursuant to this chapter.

4 (b) Each county council shall have the power to fix
5 license fees for dog breeders on a biennial basis. Until and
6 unless otherwise provided by ordinance, the biennial license fee
7 for each dog breeder shall be \$500. Any person operating as a
8 dog breeder shall pay the license fee to the director of finance
9 of the county in which the breeder operation is located. The
10 license fee shall be due and payable on January 2 of every
11 second year and shall be paid before March 11 of every second
12 year, or within thirty days after becoming subject to this
13 chapter. The full amount of the fee shall be paid for any
14 fraction of the license period for which a license is issued.
15 All moneys received by the director of finance under this
16 chapter shall be paid into the general fund of each county.

17 (c) The minimum standards regarding the care, treatment,
18 and proper recordkeeping requirements in dog breeding operations
19 shall be the same as prescribed under section -3.

20 (d) A dog breeder licensee shall make its premises
21 available for unannounced inspection by the county or the



1 county's contracted designee, pursuant to sections 143-15 and
2 143-16, during regular business hours.

3 (e) Any person who operates as a dog breeder without a
4 license shall be subject to a civil penalty of up to \$1,000;
5 provided that each day of a violation shall be considered a
6 separate offense. Any failure to comply with the standards and
7 recordkeeping requirements prescribed under section -3 shall
8 be subject to a civil penalty of up to \$1,000 for each
9 violation."

10 SECTION 5. Section 143-1, Hawaii Revised Statutes, is
11 amended by adding three new definitions to be appropriately
12 inserted and to read as follows:

13 "Dog breeder" means any person who owns, possesses,
14 controls, or otherwise has charge or custody of more than ten
15 dogs over the age of twelve months with intact sexual organs,
16 and who sells, barter, or otherwise transfers more than three
17 litters or more than twenty-five dogs per calendar year.

18 "Person" means any individual, firm, partnership, joint
19 venture, association, limited liability company, corporation,
20 estate, trust, receiver, or syndicate; provided that the term
21 shall not include:



- 1 (1) An animal control or welfare agency tax exempt under
2 title 26 United States Code section 501(c)(3);
- 3 (2) A person who provides care for dogs at the request of
4 a government agency; or
- 5 (3) A veterinary clinic.

6 "Premises" means the location of property, whether private
7 or public, upon which buildings, yards, kennels, pens, and cages
8 are used by a dog breeder in the usual course of business."

9 SECTION 6. Section 143-15, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§143-15 Contracts for seizing and impounding dogs.** Any
12 county may contract with any society or organization formed for
13 the prevention of cruelty to animals, or similar dog protective
14 organization, for ~~the~~:

- 15 (1) The seizure and impounding of all unlicensed dogs,
16 [and for the] dogs owned by a dog breeder not in
17 compliance with this chapter and any rules adopted
18 pursuant to this chapter, and dogs owned by a person
19 acting in the capacity of or engaged in the business
20 of a dog breeder within the county without a dog
21 breeder license obtained under and in compliance with



1 this chapter and any rules adopted pursuant to this
 2 chapter;

3 (2) The maintenance of a shelter or pound for ~~[unlicensed]~~
 4 seized dogs, and for lost, strayed, and homeless
 5 dogs ~~[, and for the]~~; and

6 (3) The destruction or other disposition of seized dogs
 7 not redeemed as provided in this chapter.

8 The county may prescribe in the contract the manner in which the
 9 work is to be done by the society or organization and it may
 10 also direct the disposition to be made of all dogs seized
 11 pursuant to this chapter."

12 PART III

13 SECTION 7. This Act does not affect rights and duties that
 14 matured, penalties that were incurred, and proceedings that were
 15 begun before its effective date.

16 SECTION 8. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 9. This Act shall take effect on July 1, 2050.

19



Report Title:

Animal Cruelty; Dog Breeders; Licensing; Penalties; Counties

Description:

Defines a "dog breeder" as any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs over the age of twelve months with intact sexual organs, and who sells, barter, or otherwise transfers more than three litters or more than twenty-five dogs per calendar year. Requires dog breeders to meet minimum standards of care and not place certain types of dogs in the same enclosure to ensure the proper treatment and care of dogs and the dogs' offspring. Prohibits any person from owning or having custody of more than thirty dogs over one year with intact sexual organs. Requires dog breeders to maintain specific written records for each dog for a specified period. Authorizes each county to assess, implement, and enforce its own licensing system. Establishes civil and criminal penalties for violations. Effective 07/01/50. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

