

STAND. COM. REP. NO.

179

Honolulu, Hawaii

FEB 11 2013

RE: S.B. No. 414
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 414 entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DOG BREEDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish
licensing requirements for commercial dog breeders and ensure that
the dogs under the custody and control of commercial dog breeders
are provided minimum standards of care.

Your Committee received testimony in support of this measure
from the Department of the Prosecuting Attorney, City and County
of Honolulu; Hawaiian Humane Society; Hawaii Island Humane
Society; The Humane Society of the United States; Best Friends
Animal Society; and twenty-one private individuals. Testimony in
opposition to this measure was submitted by the Department of
Commerce and Consumer Affairs, American Kennel Club, Pet Industry
Joint Advisory Council, Golden Retriever Club of Hawaii, Golden
Retriever Club of Hawaii Rescue and Breeder Referral Program,
Hawaiian Chinese Shar-Pei Club, and fourteen private individuals.
Three private individuals submitted comments.

Your Committee finds that profit-driven breeding is prevalent
in Hawaii. According to the Hawaii Data Book 2011, the pet
industry amounts to nearly \$96,000,000 a year. A recent internal
tracking of puppy sales on Oahu conducted by the Hawaiian Humane
Society found that between June 2012 and December 2012, there were
1,689 puppies advertised on three popular internet sales websites,

2013-1089 SSCR SMA.doc



which amounted to over \$1,700,000 in sales. Your Committee further finds that because of this type of financial motivation, the puppy industry should be regulated to not only protect dogs, but also to protect consumers. Unfortunately, existing state and federal laws regarding the care and husbandry of dogs inadequately regulate large-scale breeding facilities in Hawaii.

Your Committee notes that the language in S.B. No. 2494, S.D. 1 (Regular Session of 2012) is similar to the language in this measure and also notes two differences that make the language in S.B. No. 2494, S.D. 1 (2012) preferable to this measure. First, this measure prohibits any person from owning, maintaining, or otherwise having custody or control of more than fifty dogs with intact sexual organs over the age of six months at any time while S.B. No. 2494, S.D. 1 (2012) prohibits any person from owning, possessing, controlling, or otherwise having charge or custody of more than thirty dogs with intact sexual organs over the age of one year at any time.

Second, this measure requires a commercial dog breeder to provide certain minimum standards of care if the commercial dog breeder has custody or control of more than ten female dogs with intact sexual organs over the age of six months for the purpose of breeding those female dogs and selling the female dogs' offspring. S.B. No. 2494, S.D. 1 (2012) requires any person who owns or possesses more than ten dogs, male or female, over the age of four months with intact sexual organs to provide certain minimum standards of care to each dog. Your Committee notes that a City and County of Honolulu ordinance limits owners to no more than ten dogs over the age of four months per household on residential zoned property. Accordingly, your Committee further finds that the minimum standards of care requirement under S.B. No. 2494, S.D. 1 (2012) that applies to owners with more than ten dogs over the age of four months with intact sexual organs per premise is consistent with the City and County of Honolulu ordinance.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and replacing it with language in S.B. No. 2494, S.D. 1 (Regular Session 2012) to:
 - (A) Establish a standard of care for dogs to ensure proper treatment of dogs and the dogs' offspring by prohibiting the ownership or custody of more than thirty dogs over the age of one year with intact



sexual organs, at any time; requiring owners of ten or more dogs over the age of four months with intact sexual organs to meet minimum standards of care to ensure the proper treatment and care of the dogs and the dogs' offspring and maintain specific written records of each dog for a specified period; prohibiting certain types of dogs to be placed in the same enclosure; and establishing penalties; and

- (B) Ensure every dog under a dog breeder's care is provided a minimum standard of care by requiring the licensing of dog breeders; authorizing each county the flexibility to assess the county's own situation, and determine the need for and develop appropriate rules for housing and treatment of dogs by dog breeders, if necessary; requiring each county or its contracted local humane society to assess appropriate license fees for dog breeders and to pursue civil penalties for noncompliance; and authorizing a county agent or its contracted designees to inspect a dog breeder licensee's premises unannounced and during regular business hours; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion on this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 414, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 414, S.D. 1, and be referred to the Committees on Commerce and Consumer Protection and Ways and Means.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 414	Committee Referral: JDL, CPN	Date: 01-30-2013
--	--	----------------------------

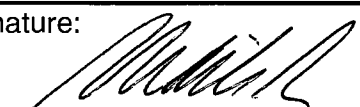
The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)		✓		
GABBARD, Mike	✓			
IHARA, Jr., Les		✓		
SLOM, Sam		✓		
TOTAL	2	3		

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature: 

Distribution:
 Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes