

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 414  
S.D. 2

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

Madam:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred S.B. No. 414, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require specified persons who own, control, or have custody or control of more than ten dogs over the age of four months with intact sexual organs to meet minimum standards of care and prohibit these persons from placing certain types of dogs in the same enclosure;
- (2) Prohibit any person from owning or having custody of more than thirty dogs over the age of one year with intact sexual organs;
- (3) Require specified persons to maintain specific records for each dog for a specified period;
- (4) Authorize each county to assess, implement, and enforce its own licensing system; and
- (5) Establish civil and criminal penalties for violations.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, The Humane Society of the United States,



Hawaiian Humane Society, Hawaii Island Humane Society, Best Friends Animal Society, and numerous individuals. Your Committees received testimony in opposition to this measure from the American Kennel Club, Blue Terrier Club of Hawaii, Cavalier King Charles Spaniel Club of Hawaii, Hawaiian Chinese Shar-Pei Club, Golden Retriever Club of Hawaii, Koolau Pets, National Animal Interest Alliance, and numerous individuals.

Your Committees find 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, which amounted to over \$1,700,000 in sales. Your Committees further find 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 Committees additionally find that pet animals, such as dogs, are entitled to a minimum standard of care from their owners. From a consumer protection aspect, the public is also entitled to certain minimum expectations when purchasing a dog, which can be purchased for hundreds or even thousands of dollars and which requires a lifelong commitment of care. This measure recognizes these considerations and will offer better protection for dogs and consumers. However, your Committees have heard concerns relating to the age and number of dogs a specified person is permitted to own, control, or have custody over, as permitted by this measure. Amendments to this measure are therefore necessary to address these issues.

Accordingly, your Committees have amended this measure by:

- (1) Defining "dog breeder" in part I of this measure and amending the definition of "dog breeder" in part II of this measure to mean 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;



- (2) Clarifying that "sufficient veterinary care" includes prompt treatment of any illness or injury by a veterinarian licensed under chapter 471, Hawaii Revised Statutes, when needed to prevent suffering;
- (3) Making conforming amendments related to the requirements for dog breeders for minimum standards of care, recordkeeping, and prohibitions on certain types of dogs in the same enclosure;
- (4) Amending the purpose section for clarity; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 414, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 414, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Commerce and  
Consumer Protection and Ways  
and Means,


  
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DAVID Y. IGE, Chair

  
\_\_\_\_\_  
ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 414, SD1	JDL, CPN/WAM	2/27/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
TANIGUCHI, Brian T.			✓	
WAKAI, Glenn				✓
SLOM, Sam			✓	
<b>TOTAL</b>	4		2	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>SB414 SDI</b>	Committee Referral: <b>JDL, CPN/WAM</b>	Date: <b>2-27-13</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani				✓
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.				✓
KOUCHI, Ronald D.		✓		
RUDERMAN, Russell E.				✓
THIELEN, Laura H.		✓		
TOKUDA, Jill N.				✓
SLOM, Sam			✓	
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>5</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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