



NEIL ABERCROMBIE  
GOVERNOR

SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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DEPUTY DIRECTOR

PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

TO THE HOUSE COMMITTEE ON  
ECONOMIC DEVELOPMENT & BUSINESS

TWENTY-SEVENTH STATE LEGISLATURE  
REGULAR SESSION OF 2013

FRIDAY, FEBRUARY 1, 2013  
9:00 A.M.

**TESTIMONY ON HOUSE BILL NO. 233, RELATING TO COMMERCIAL DOG BREEDERS.**

TO THE HONORABLE CLIFT TSUJI, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 233, Relating To Commercial Dog Breeders. My name is Celia Suzuki, Licensing Administrator of the Department's Professional and Vocational Licensing Division. The Department offers the following testimony in opposition to the bill.

House Bill No. 233 creates a new chapter for the regulation of commercial dog breeders by the Department. The bill sets forth the minimum standards of care by commercial dog breeders, establishes licensing requirements for commercial dog breeders, provides for site inspections and investigations, authorizes the Department's

Director to issue cease and desist orders, and provides for civil and criminal penalties for non-compliance.

Over the past several years, public concern over the treatment of dogs has resulted in the introduction of several bills to address ongoing problems. In particular, Senate Bill No. 1522 was introduced during the 2011 Legislative session and carried over to the 2012 Legislative session. In 2011 and pursuant to Senate Concurrent Resolution No. 111, S.D.1, the Auditor analyzed Senate Bill No. 1522 S.D.2 H.D.1, which required the Department to issue licenses to large-scale dog breeders. The Auditor issued her Report in October 2011. The Auditor did not find that Senate Bill No. 1522 met the criteria for the regulation of dog breeders or that the Department was the appropriate regulatory agency.

The Department has the following concerns with House Bill No. 233:

(1) House Bill No. 233 would require the Department to regulate commercial activity currently outside of the Department's jurisdiction. Section 26-9, Hawaii Revised Statutes ("HRS"), specifies that the Department's mission is to protect the interests of consumers throughout the State and setting standards and to enforce all laws and rules governing the licensing and operation of trades, businesses, and professions, including banks, insurance companies, brokerage firms, and other financial institutions. Commercial dog breeders are a business; they are not a trade or profession. The type of regulation contemplated in this bill is completely different from any of the other businesses that the Department regulates.

The Auditor, in her Report on page 14, also recognized that the regulation of large scale dog breeders represents a departure from the Department's statutory role of supporting professional and vocational groups.

(2) The Department does not have the expertise to regulate commercial dog breeders. As stated above, the Department's regulatory experience is in the area of professions and vocations, as required by §26-9, HRS. As such, the regulation of a commercial activity falls well outside the Department's expertise. As the Auditor concluded on page 14 of her Report, regulation by the Department would require "staff with skill-sets the department does not currently have."

The Department notes that the Auditor also mentioned Oklahoma's Commercial Pet Breeders Act as a model worthy of consideration. The Act provided for regulation by the Pet Breeders Board. In 2012, however, the Oklahoma legislature repealed the Act and substituted it with the 2012 Commercial Pet Breeders Act. The 2012 Act transfers regulatory oversight of commercial pet breeders from the Pet Breeders Board to the Board of Agriculture.

While the Department understands the concerns raised, the Department does not feel that making it responsible for licensing and enforcement of commercial dog breeders is in the long term best interest to protect the public as well as prevent the cruel treatment of dogs. For the foregoing reasons, the Department respectfully opposes House Bill No. 233.

Thank you for this opportunity to testify on House Bill No. 233.



### Hawai'i Hulacat Club

c/o Kenneth Cribbs, P. O. Box 1306, Kaneohe, HI 96744-1306  
Phone: (808) 599-2444 Fax: (808) 538-1833

January 29, 2013

### Testimony in Opposition to HB233

House Committee on Economic Development & Business • Date of Hearing: Friday, February 1, 2013

Submitted by: **Hawai'i Hulacat Club**, a member club of The Cat Fanciers' Association,  
the World's Largest Registry of Pedigreed Cats

Dear Chair Tsuji, Vice-Chair Ward, and Committee Members:

Hawai'i Hulacat Club respectfully submits its testimony in **opposition** to HB233. Although this measure as presently drafted applies only to the breeding of dogs, we individual cat fanciers and the Cat Fanciers' Association as an international organization oppose all anti-pet-ownership approaches to legislation. HB233 proposes such an approach despite its seemingly good intentions.

We support appropriate standards of care for all pets, but strongly oppose legislation that includes arbitrary "head count" limits on the number of pets a breeder may have. There are no data demonstrating any correlation between the number of animals a breeder may keep and the quality of care those animals receive.

HB233 would limit the ability of dog breeders to maintain sufficiently diverse bloodlines in their breeding programs, which would increase the number and severity of adverse hereditary conditions in our pet population. This would be particularly detrimental to pets and pet owners in Hawai'i, whose ability to diversify their gene pools is already constrained by onerous import and quarantine requirements.

Finally, we oppose HB233's unnecessary and excessive requirements, such as mandatory veterinarian consultations for even minor illnesses or injuries – a provision analogous to mandating that parents take their children to a physician every time they have an upset stomach or fall and skin their knees. Common sense dictates that requirements of this sort are impractical and unreasonable.

We urge the committee not to adopt HB233. Thank you for your time and attention.

Very truly yours,

Kenneth Cribbs, President  
Hawai'i Hulacat Club

Tuesday, January 29, 2013

To: House Committee on Economic Development & Business

Re: HB 233

Dear Committee Members:

As pet owner and pet store owner, I support appropriate standards for the care of all dogs, however, I strongly oppose any legislation that includes a set limit on the number of dogs a breeder may own. A breeder may have many dogs and care for them responsibly. At the same time, someone may have 2 dogs that they breed that are not cared for properly. The concern should be quality of care, not quantity of animals. Also, limiting the ability of dog breeders to maintain many different bloodlines could result in increased in adverse hereditary conditions. This would not only be detrimental to the dogs, but also to pet owners who may have large veterinary bills. In addition, I oppose unnecessary and excessive requirements, such as mandated veterinary visits for very minor illness or injury.

Also, this bill does not mention the dollar amount in regards to licensing fees. If there is to be a licensing fee, then the amount should be fair, reasonable and a set dollar amount.

Respectfully submitted,

Debbie Baker  
Owner/Member  
The Pet Hale

Rep. Clift Tsuji and members of the Economic & Business Development Committee:

Responsible dog & cat breeders do not condone the actions of David Becker or the Luke family. We go to great lengths to obtain the healthiest breeding stock, breed true to the breed standards, and to make sure that each life we bring in to this world is given a good home. We volunteer countless hours rescuing dogs we did not breed (including the Waimanalo pups), providing public education on selecting breeds and purchasing animals, training dogs, work that goes unrecognized by the public.

I come before you to oppose HB 233 for the following reasons:

1. The State auditor already determined in their 2011 Sunrise analysis that there are better alternatives than licensing dog breeders.
2. Whether animals are intact or not does not make them breeding stock. 6 months is an unreasonable age to declare a dog a breeding female. Most responsible dog breeders will not consider breeding a bitch until 2 years old and after having all health clearances done.
3. The bill provides for a cease and desist order if there is reasonable cause to believe a violation has occurred and the person can request a hearing. However, they have only 24 hours to comply and it is unlikely that they will get a hearing within 24 hours. The bill provides that a stay cannot be granted before a hearing. Therefore, anyone would be in violation after 24 hours. At that time, a request can be made for a temporary restraining order and injunctive relief. The request for a hearing should result in an automatic stay until it has been determined that a violation exists.
4. The measure does not indicate how “for the purpose of breeding” would be determined; therefore, the owner of 10 intact females could be subject to licensing if a single puppy is sold or placed.
5. Minimum standards of care already exist in HRS.
6. This bill assumes that anyone who fits the description is automatically labeled a commercial breeder and subject to unannounced inspections. The problem is that the commercial facilities are our homes and not a place of business. Our homes would be subject to unannounced inspections!
7. This bill also states that “after a denial, suspension, or revocation of a license for a commercial dog breeder, the department shall have free and unimpeded access to the premises -----to verify that operation of a commercial dog breeder has ceased.” Access includes all areas in which there is probable cause to believe dogs are being kept! There is NO time limit specified in this bill!
8. This bill states it will literally give the director of this department a blank check to write anything they wish in regard to administration and enforcement of this bill! The director can even administer oaths and issue subpoenas!
9. Every dog must have a physical exam by vet once year ... whether need it or not. Do you have a yearly physical?

The City Prosecutors Office was able to successfully find both the Luke Family and David Becker guilty of animal cruelty. No one was happy about the sentences issued. So how does this bill help correct that situation?

Lynn Muramaru

President

Terriers In Paradise-Hawaii, Inc.

Christopher Feld

Members Hawaii Companion Animal Coalition

Constituents of Rep. Sharon Har



30 January 2013

House Committee on Economic Development and Business  
Hawaii State Legislature

**Re: Support for HB 233**

Dear Chairman Tsuji and Members of the Committee,

On behalf of Best Friends Animal Society, a national animal welfare organization in its thirtieth year, I am pleased to offer support for House Bill 233 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. These facilities, which supply most U.S. pet stores and online retailers, are cruel and inhumane factories in which profit and maximum productivity take priority over the health and welfare of the animals. Our own Dr. Frank McMillan testified in the tragic Bradley International puppy mill case in Waimanalo that spotlighted the critical need for this kind of legislation.

Although the USDA regulates commercial breeding facilities that sell wholesale, their standards do not ensure a humane life for dogs; in fact, they do little more than require food and water. These types of kennels can legally have hundreds - often a thousand - dogs in one facility, and these dogs are often confined to cramped and dirty cages for their entire lives, breeding continually to produce puppies for the pet trade.

Because the goal is to make a profit, puppy mill 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, well after the pet store's warranty or state lemon law is applicable. This creates a financial burden on the consumer and results in many of these dogs being surrendered to overcrowded, taxpayer-subsidized shelters.

Between two and four million puppies are bred in licensed and non-licensed facilities in the U.S. every year, while two to four million animals are killed in U.S. shelters every year -- at taxpayer expense. These are not defective, unadoptable pets, but a surplus caused by the fact that there are simply not enough homes for them. It makes little sense to continue manufacturing dogs 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 produced in these commercial facilities, there can be no hope of preventing these unnecessary deaths.



Best Friends applauds the state of Hawaii for taking a compassionate, common sense initiative to addressing the puppy mill crisis in your community, and setting a positive example for the rest of the country to follow. We are proud to support you in your efforts, and hope you will let us know if there is anything we can do to help.

Thank you for your consideration of this important proposal.

Respectfully,

*Elizabeth Oreck*

**Elizabeth Oreck**  
National Manager, Puppy Mill Initiatives  
Best Friends Animal Society  
pupymills.bestfriends.org  
[elizabetho@bestfriends.org](mailto:elizabetho@bestfriends.org)  
(818) 521-0355

## edbtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 2:02 PM  
**To:** edbtestimony  
**Cc:** brianandkaye@walsh.net  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaye Walsh	Cavalier King Charles Spaniel Club of Hawaii	Oppose	No

Comments: We strongly believe that defining a commercial breeder by the number of dogs is a faulty premise. We opposed similar measures last year. It is possible to own one pet and mistreat it. The standard should be care and not numbers.

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AMERICAN  
KENNEL CLUB®

House Committee on Economic Development and Business  
415 South Beretania Street  
Honolulu, HI 96813

January 30, 2013

**Re. Oppose HB233**

Dear Members of the House Committee on Economic Development and Business,

The American Kennel Club (AKC) writes to express concerns with House Bill 233, a bill that would establish licensing requirements for “commercial dog breeders.” We respectfully ask that you do not advance this measure.

Problematic provisions of HB233 include, but are not limited to:

- A “commercial dog breeder” would be defined as “a person who, whether acting in person or by or through any agent, servant, contractor, or employee, owns, maintains, or otherwise 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 dogs and selling, bartering, giving away, or otherwise transferring their offspring.”
  - HB 233 does not indicate how “for the purpose of breeding” would be determined.
  - The measure could impose licensing and regulations based on the ownership of private property rather than on engaging in commercial activity.
  - Under this vague and overly-broad definition of “commercial dog breeder,” the owner of 10 intact female dogs could be subject to licensing if a single puppy were sold or placed. The occasional sale of puppies by a hobby breeder should not be regulated as a commercial enterprise.
- The premises and records of a “commercial dog breeder” would be subject to unannounced inspections during business hours. This is burdensome for a home-based hobby breeder who does not operate a business or who works outside the home.
- No person would be permitted to own or control more than 50 sexually intact dogs over the age of 6 months at any time. The AKC opposes laws that limit the number of dogs a responsible person may own.

In 2011, the Hawaii Office of the Auditor concluded, “proposed regulation of dog breeder business is problematic, better options are available.” The Auditor’s report further stated, “We found little more than anecdotal evidence for a need to protect the public’s health, safety, and welfare from abusive activities of large-scale dog breeders.”

The American Kennel Club supports reasonable and enforceable laws that protect the welfare and health of dogs and do not restrict the rights of breeders and owners who meet their responsibilities. We strongly endorse the right to own, keep and breed dogs in a responsible and humane manner. Therefore, **we respectfully urge you to not advance HB233.**

Sincerely,

Patty Van Sicklen  
Legislative Analyst

*The American Kennel Club 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 supports reasonable and enforceable laws that protect the welfare and health of dogs without restricting the rights of owners and breeders who properly maintain their dogs.*



# Hawaiian Humane Society

People for animals. Animals for people.

2700 Waiialae Avenue Honolulu, Hawaii 96826  
808.946.2187 • [hawaiianhumane.org](http://hawaiianhumane.org)

**To:** Representative Tsuji, Chair of the Committee on Economic Development and Business, Representative Ward, Vice Chair, and Committee Members

House Committee on Economic Development and Business (EDB)  
February 1, 2013, 9:00 am, Room 312

**Submitted by:** Jennifer J. Han, Policy Advocate  
Hawaiian Humane Society, [jhan@hawaiianhumane.org](mailto:jhan@hawaiianhumane.org)

**Date:** January 30, 2013

**RE: Support HB233;  
Relating to Commercial Dog Breeders**

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The Hawaiian Humane Society strongly supports the passage of House Bill 233 as we have historically advocated for the regulation of commercial dog breeders to effect the humane treatment of both the parent-dogs and puppies.

With animal welfare being the primary concern, the Hawaiian Humane Society supports a minimum uniform standard of care and treatment of animals. The issue of proper care and treatment is at the forefront of the Hawaiian community's concerns. The growing puppy industry makes it vulnerable particularly without rules and regulations on what the standard of care is. According to the Hawaii Data Book, 2011, the pet industry amounts to nearly \$96 million in the State of the Hawaii. The Hawaiian Humane Society has executed an internal tracking of puppy sales in Oahu posted on Craigslist, Star Advertiser, and Kijiji (EBay). During the last seven months of 2012 (June – December), there have been 1,689 puppies advertised in Oahu just on these three websites, the sum of which amounts to over \$1.7 million. With such a financial motivation, the puppy industry should be regulated not only to protect the animals but also to protect the consumer.

Thank you for the opportunity to testify in support of HB 233. On behalf of Hawaiian Humane Society, I ask for your support in passing this measure.

**edbtestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 4:51 PM  
**To:** edbtestimony  
**Cc:** doghelpllc@gmail.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

**HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary A Buckley	Dog Help, LLC	Support	No

Comments: I have lived here 20 years, and see the results as well as conditions that warrant the passing of this bill. I support and encourage this bill wholeheartedly. It is the responsible, right and humane thing to do. Thank you, Mary Buckley from the Big Island

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TESTIMONY IN OPPOSITION TO HB233

BILL: HB233  
COMMITTEE: House Committee of Economic Development & Business  
DATE: February 1, 2013  
WITNESS: Michiro Iwanaga  
POSITION: Opposition

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Mr. Chairman and members of the Committee:

I have owned, exhibited, and bred Shetland Sheepdogs over the past ten years. I am Vice-President of the Shetland Sheepdog Club of Hawaii and a member of the Boards of the Directors for the Obedience Training Club of Hawaii and West Oahu Kennel Club. I have also practiced law in the State of Hawaii for the last 35 years.

Your committee and the Hawaii Legislature are being asked to adopt mere “feel good” and “look good” legislation. That legislation demonstrates that the legislative sponsors—both those standing in the foreground and those hiding in the background—have failed to focus on the problem. **HB233**—as well as its sister bill, SB414—**does not focus on how to stop abusive commercial dog breeders.**

Several years ago, the Hawaii Legislature amended HRS § 711-1100 to add new animal facility and care standards to Hawaii’s animal cruelty laws. Those standards took effect on January 1, 2011. Just one month later in February 2011, the Hawaiian Humane Society employed those new standards and brought an end to Bradley International’s horrible Waimanalo dog breeding operation. As the HHS noted publicly, Bradley International had temporarily avoided enforcement efforts, by closing its doors to inspections as soon as the newly amended HRS § 711-1100 had taken effect. As was also noted, it was apparently entirely fortuitous that a neighbor’s complaint created the opportunity for the HHS to view the premises and save the animals that were being held captive in horribly squalid conditions. **In short, by the HHS’s own account of events, the solution to abusive commercial dog breeders is not more facility and care standards or any of the other aspects of HB233 (or SB414). The solution is simply providing for better access and inspection.**

Rather than focus on access and inspection, **HB233 creates an enormous regulatory bureaucracy and engages in an excessive and unnecessary EXPENDITURE of the State's limited fiscal resources.** To stop wrongdoers like Bradley International, the proposed regulatory scheme would have to first undergo an **expensive and time-consuming start up process.** This would entail (a) creating an entirely new regulatory department, (b) finding and appointing an administrator, (c) hiring staff and consultants, and (d) undergoing the protracted process of promulgating of regulations (including regulations for new and redundant facility and care standards)—promulgation what must comply with the rigorous requirements of Hawaii's Administrative Procedure Act. All this to deal with a problem that can be solved using existing enforcement mechanisms albeit with enhanced access and inspection rights.

**Why force the State to undertake this ill-advised, expensive, and ineffective course of action?** To provide an apology for the prosecutor's failure to prosecute the officers, directors, and shareholders of Bradley International? To provide the HHS or HSUS with publicity and credit for fundraising purposes? To help vent Clayton Hee's anger over the defeat last year of his gut and replace bill, HB108? If so, such purposes are not the makings for responsible actions by this Legislature.

Regardless of the motivations for the proposed legislation, **abusive commercial breeders are not a common problem in Hawaii**, unlike on the mainland, where in the aftermath of World War II, the U.S. government promoted dog breeding as a profitable agricultural activity. Consider the Hawaiian Humane Society's own recent study that revealed that the overwhelming percentage of dog owning households obtained their pets from friends and family or from the Hawaiian Humane Society itself. Meanwhile, HB233 expresses interest in people who "own or have custody or control of" more than ten mature female dogs with intact sexual organs. The bill also places a numerical cap of fifty dogs to curtail these large scaled operations. How many friends and family do you have or know of with ten or more dogs, let alone fifty?

It is no wonder that **our respected Legislative Auditor, Marion Higa, determined in her 2011 Sunshine Report that abusive, large scale dog breeders were not a problem in Hawaii warranting new licensure and regulation.**

Meanwhile, **HB233** has inflamed and alienated members of the dog fancier community who are tremendous reservoirs of knowledge regarding responsible dog breeding, training, and care. **Remember, WE ARE VOTERS, and we are**

**your constituents as well.** We in the dog fancy are offended and alarmed by being painted and stained with the broad brush of the proposed legislation and threatened with the prospect of Byzantine regulations. **HB233** employs a **definition of “commercial dog breeder” that is based on a simplistic headcount** of mature female dogs with intact sexual organs. The Bill ignores that bona fide dog show competition requires “intact” dogs. The Bill ignores that dog fanciers are justifiably concerned that well-paid, radical and aggressive animal rights lobbyists (such as the Humane Society of the United States) will, as they have in other jurisdictions, push for ever lower headcounts, *e.g.*, by subsequent amendments to the definition. These same animal rights lobbyists and other proponents will undoubtedly say “not to worry, the definition qualifies the headcount with the phrase ‘for the purpose of breeding those dogs and selling, bartering, giving away, or otherwise transferring their offspring.’” Nevertheless, **HB233** (like SB414) is completely silent on what facts or circumstances would constitute the necessary or sufficient evidence to establish such a purpose.

**Legislative proponents of dog and cat breeder legislation have spurned efforts by the dog and cat fancies to work together towards meaningful and reasonable regulations.** The House last year adopted a joint resolution (**HCR141**) for the appointment of a task force to study the problem of abusive breeding practices and the like and propose any necessary legislative action. That resolution died or was killed in the Senate.

A number of us in the dog fancy met with representatives of the Hawaiian Humane Society in **August 2012** and extended **an invitation the HHS to work with us to reach common ground with Hawaii’s dog fanciers on sensible and effective legislative** approaches to control commercial dog breeders and abusive kennel conditions. Rather than take us up on our invitation, the HHS engaged in an elaborate public relations extravaganza at the luxurious and impressive facilities of the Japanese Chamber of Commerce on Beretania Street. At that event, called the “Pet Summit, in **November 2012**, I spoke with the Deputy City Prosecutor who works closely with the HHS in animal cruelty prosecutions. At that time, I **repeated the invitation** to engage in meaningful discussions. That **invitation was repeated yet again** in November during a meeting over lunch with a HHS Board member and former Board Chairman. At that meeting, I noted that members of the dog and cat fancies had specific ideas on the issues of access and inspection and imposing personal responsibility on officers and directors of abuse breeding operations. Nevertheless, **the HHS never bothered to respond to any of those**



**invitations.** Instead, **HB233** and **SB414** came onto the scene—bills for which the HHS, as well as the HSUS, disclaim any responsibility or connection. Such utter and obvious **shibai**.

I am greatly disappointed in the HHS for turning its back on the dog and cat fancies in Hawaii. We had hoped to work with the HHS to formulate good legislation to deal with irresponsible people who profit from dog breeding. The HHS apparently had other ideas.

**HB233** and **SB424** are beneath the dignity of the Hawaii Legislature. I urge you to reject them in their entirety.

Respectfully submitted,

/s/ Michiro Iwanaga

201 Merchant Street, Suite 2307  
Honolulu, Hawaii 96813  
[Michiro.iwanaga@gmail.com](mailto:Michiro.iwanaga@gmail.com)

**Hearing on February 1, 2013**

**Committee on Economic Development and Business**

**Bill HB233-Relating to Commercial Dog Breeders**

Rep. Clift Tsuji, Chair, Rep. Gene Ward, Vice Chair, Rep. Tom Brower, Rep. Romy M. Cachola,  
Rep. Isaac W. Choy, Rep. Richard H.K. Onishi, Rep. Gregg Takayama, Rep. James Kunane Tokioka,  
Rep. Takashi Ohno

Aloha!

We support appropriate standards of care for dogs or any animal for that matter. We support the end of puppy mills because of the horrible conditions that these animals live in. We oppose this bill because there are factors in it which is excessive and unclear.

The amount of dogs one has does not define the quality of care they are given.

There is no fee noted for the licensing/registration of commercial dog breeders. If there is one, it should be reasonable and attainable. Enforcement is questionable as to the need for manpower to make this possible.

Unannounced visits are a violation of personal property. We feel that it should only be done if it is complaint driven.

Respectfully,

Koolau Pets

**edbtestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 10:52 AM  
**To:** edbtestimony  
**Cc:** Carol.Agard@gmail.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM  
**Attachments:** Dog Legislation testimony Jan 31 2013.docx

**Categories:** LATE TESTIMONY

**HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carol Agard	Dachshund Club of Hawaii	Oppose	Yes

**Comments:**

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Mr. Chairman and members of the Committee:

I have been a dog fancier for over 25 years and I have owned, exhibited and bred Long Haired Dachshunds. I am the President of the Dachshund Club of Hawaii and speak on behalf of our members and myself in opposition to HB233 and the earlier legislation SB 414.

It is unfortunate that the Hawaii Humane Society has not been open to dialogue with Hawaii dog fanciers towards meaningful and reasonable regulations that support the responsible dog owners and breeders. The proposed legislation should be dropped, since once again it does not address the issue appropriately or present viable solutions to problems on how to stop abusive commercial dog breeders.

## edbtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 29, 2013 11:03 AM  
**To:** edbtestimony  
**Cc:** rabakerhawaii@msn.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/29/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
RICKY BAKER	Individual	Oppose	No

Comments: As an animal lover, I support appropriate standards of care for all dogs but strongly oppose any legislation that includes an arbitrary limit on the number of dogs a breeder may have. There is no correlation between the number of animals a person owns and the quality of care those animals receive. Furthermore, a prohibition such as this limits the ability of dog breeders to maintain sufficiently diverse blood lines resulting in an increase in adverse hereditary conditions, to the detriment of pets and pet owners. I also oppose unnecessary and excessive requirements, such as mandated veterinary visits for very minor illness or injury. I also am very concerned about the licensing fees that may be imposed, as there is no indication of what those fees might be in this measure. Although as a pet store owner, I do not purchase puppies from commercial breeders, I feel it necessary to oppose this measure that restricts the activities of those that raise puppies responsibly and humanely. Respectfully, Ricky a Baker

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House Representatives,

I oppose HB233 for several reasons.

One reason is that I don't believe that there should be a limit of 50 intact dogs per breeder. The number of dogs has nothing to do with the quality of care that they're receiving. It is also in the bill that there will be a licensing fee, but it gives no estimate of the amount it will be.

Another problem is that there should not be a law saying how often a dog should be taken to the vet, or that he/she should be taken to the vet for ANY illness or injury. It is unrealistic, and in some cases, would be very unnecessary.

On the same note, euthanasia is a decision that should be made by the owner. In some cases euthanasia is the best option for the dog, but it is not a decision that should be made/enforced by anyone besides the owner of the dog.

Lastly, one of my biggest concerns is that certain records must be kept and are subject to inspection. One of the records in the bill is the buyer/new owner of the pet's name and address. That is a violation of the buyer's privacy. It is likely that the buyer would not be aware of the fact that their information would be made available during an inspection.

I manage my family's pet store (The Pet Hale) and I believe that there is a need for stronger animal-related laws. HB233 is just not the right approach.

Respectfully,  
Casey Baker

**edbtestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 29, 2013 9:40 PM  
**To:** edbtestimony  
**Cc:** brandypink@msn.com  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**HB233**

Submitted on: 1/29/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandy Baker	Individual	Oppose	No

Comments:

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**edbtestimony**

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**Sent:** Tuesday, January 29, 2013 11:45 PM  
**To:** edbtestimony  
**Cc:** cdfeld1@hotmail.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

**HB233**

Submitted on: 1/29/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christopher Feld	Individual	Oppose	Yes

Comments: Strongly opposed!

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**edbtestimony**

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**To:** edbtestimony  
**Cc:** Loribau@yahoo.com  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nikki char	Individual	Oppose	No

Comments:

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**edbtestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 8:43 AM  
**To:** edbtestimony  
**Cc:** cieraCollies@yahoo.com  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christine Inouye	Individual	Oppose	No

Comments:

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## edbtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 8:47 AM  
**To:** edbtestimony  
**Cc:** lisaparker808@aol.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa M Parker	Individual	Oppose	No

Comments: I oppose this Bill. I feel there are laws in place that if properly enforced would control the "puppy mill" problems. The government has much more important things that need funds and time.

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## edbtestimony

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**To:** edbtestimony  
**Cc:** bdwalsh@computer.org  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian Walsh	Individual	Oppose	No

Comments: This bill, far from "regulating" largescale commercial breeders in Hawaii, such as Bradley International in Waimanalo, would actually "eliminate" them because of the 50 dog upper limit. This limit would make it uneconomical; Waimanalo had more than 100 dogs. Although most of us would probably applaud that result, the fact is that the demand for puppies would then only be met by importing them from Australia where they would probably be raised in even worse (and invisible to us) conditions. Is it even constitutional to outlaw an entire "industry". What if they told ranchers they could have no more than 50 cows?

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**edbtestimony**

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**Sent:** Wednesday, January 30, 2013 5:45 PM  
**To:** edbtestimony  
**Cc:** linetteab@hawaiiantel.net  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linette Barrios	Individual	Oppose	No

Comments:

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**Allan & Pamela Schildknecht**  
45-203 Puali Koa Place  
Kaneohe, Hawaii 96744  
Telephone: (808) 247-7777  
Facsimile: (808) 247-0118  
e-mail: [allanschildknecht@hawaii.rr.com](mailto:allanschildknecht@hawaii.rr.com)

January 30, 2013

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

Testimony Supporting HB233  
Relating to Commercial Dog Breeders

Honorable Chairperson & Committee Members,

I am writing in support to HB233 relating to licensing of Commercial Dog Breeders

Hawaii is currently missing this legislation and it is necessary that Dog Breeders as defined by this Bill be licensed and adhere to the minimum requirements that this Bill recommends.

Since this Bill specifically mentioned owners of 10 or more intact adult dogs, it would exempt most pet owners who's dog was accidently impregnated and/or the responsible hobby breeder.

Again, I strongly support this Bill.

Respectfully submitted by:



Allan G. Schildknecht

## edbtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 6:54 PM  
**To:** edbtestimony  
**Cc:** rthom57@prodigy.net  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
RL Thomson	Individual	Oppose	No

Comments: We fought this legislation last year, and it failed. Why is it back up again ? We already have animal cruelty laws. More legislation is not better law.

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**edbtestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 7:33 PM  
**To:** edbtestimony  
**Cc:** mrsdaynabeyer@gmail.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

**HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dayna beyer	Individual	Oppose	No

Comments: Against and oppose HB233

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## edbtestimony

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**Sent:** Wednesday, January 30, 2013 8:02 PM  
**To:** edbtestimony  
**Cc:** ebistar69965@yahoo.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Blossom Mau	Individual	Oppose	No

Comments: This Bill will not solve the problems and issues that come about with Puppy Mills. As a Dog Fancier and occasional breeder I am again disappointed that Mr. Hee and the Legislature have linked us that type of Business. I work hard training my own dogs in Obedience and place my own dogs and other rescue dogs in the best homes possible - giving them the best Life possible. I am also a Canine Good Citizen Evaluator for AKC and test many dogs that go on to being Therapy Dogs on Oahu. Please vote to Oppose this Bill HB233. Thank You

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**edbtestimony**

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**Sent:** Wednesday, January 30, 2013 8:55 PM  
**To:** edbtestimony  
**Cc:** Ozako@hotmail.com  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lorene Maki	Individual	Oppose	No

Comments:

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**edbtestimony**

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**Sent:** Wednesday, January 30, 2013 10:08 PM  
**To:** edbtestimony  
**Cc:** elsolo@hawaii.rr.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

**HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marjorie	Individual	Oppose	No

Comments: I am a Shetland Sheepdog breeder and exhibitor. Take pride in all my dogs and keep them in very good condition. They are indoors during the mid day and again in the evening from 9:30PM-6:30 AM. Free from fleas and ticks. Have a very good veterinarian. Breed my bitches about once a year and make sure they are sold to good folks who will give them love and good care. Take this away and there will be more undesirable dogs. Thank you. Marjorie Norstrom

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## edbtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 11:16 PM  
**To:** edbtestimony  
**Cc:** KuribayaL002@hawaii.rr.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/30/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Kuribayashi	Individual	Oppose	No

Comments: I am opposed to this bill for a number of reasons: (1) This bill creates more bureaucracy, additional government expense and is ineffective. It is being opposed by the Department of Commerce and Consumer Affairs who is supposed to be responsible for enforcement due to their very reasonable concerns that enforcement is not feasible. (2) It unfairly penalizes hobby breeders with unannounced inspection of their homes without warrant which is against the 4th Amendment. Please vote NO to HB233.

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To: Chair Clift Tsuji, Vice Chair Gene Ward and Members of the House Committee  
on Economic Development and Business

From: Mary James

Date: January 30, 2013

Re: Testimony in support of House Bill 233 to License Commercial Dog Breeders

After the recent extremely difficult case of the Waimanalo puppy mill, licensing and the accompanying requirements contained in this bill will provide oversight of this industry. While some of these provisions may increase the costs to breeders, if every breeder provides these protections, none will receive an unfair advantage over others. This bill will help ensure that puppies are properly taken care of and that customers who buy these puppies are more likely to get a healthy puppy.

Thank you for the opportunity to testify on this measure.

## edbtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 5:04 AM  
**To:** edbtestimony  
**Cc:** konapam@hawaii.rr.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM  
**Attachments:** I am against HB 233 for the following reasons.docx

### **HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Higgins	Individual	Oppose	No

#### Comments:

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I am against HB 233 for the following reasons:

No one wants puppy mills but this law as written threatens legitimate breeders that love and care for their breed. These are the same breeders that help foster, rehabilitate, retrain and place the breeds that they love every year. Legislation needs to be carefully done to target those that truly are puppy mills but this looks more like a no breeding bill. Most females do not complete all of those tests necessary to decide if they should be bred until at least 2 years old. Breeders check Hips and elbows, eyes, and hearts plus many of the breeders also do genetic testing to try their best to produce healthy puppies. Recommended age for hips and elbows radiographs is 2 years old. You are saying these dogs must be identified by 6 months? This bill could actually have the opposite effect and put responsible breeders out of business instead of the puppy mills that are already in violation of minimum care standards in place. Look carefully at what happened during sentencing of the Waimanalo puppy mill and see what is needed to fix that problem! They received ridiculously low sentences, please fix this problem and do not create new ones.

This bill also does not allow for due process, allows for unlimited access with no time limitations and gives almost unlimited power to one individual. Please look carefully at the way this is drafted and put together a committee of breeders, The Humane Society, vets and legislators to draft responsible legislation that targets the problem not those that love and care for their breed.

**edbtestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 7:01 AM  
**To:** edbtestimony  
**Cc:** regalchihuahuas@gmail.com  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terry Nii	Individual	Oppose	No

Comments:

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## edbtestimony

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**To:** edbtestimony  
**Cc:** xanadu\_808@yahoo.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael S	Individual	Oppose	No

Comments: Similar legislation was proposed last year several times. I opposed then and I oppose now. Why the need to rehash this issue that has already been beaten? Certainly there are far more important issues that need to be addressed!

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**To:** edbtestimony  
**Cc:** mahalojms@gmail.com  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jane Morita-Sibley	Individual	Oppose	No

Comments:

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## edbtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 8:32 AM  
**To:** edbtestimony  
**Cc:** Staciaohira@gmail.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacia Ohira	Individual	Oppose	No

Comments: This bill makes me feel like I live in a communist country and further forces someone to mutilate their pets through force. Even if the 10 pets are living happy and being loved you still will be forced to spay them. Puppy mills and irresponsible breeders are not going to be regulated because of laws like this. Those irresponsible puppy mill mentality people are people willing to go underground to do these cruel practices others who have more than 10 dogs live in homes and have nothing to hide so why are you attempting have people be subjected to someone barging into their homes unannounced? With tax season coming around I am sure one look at a responsible dog breeders taxes and you will see no profit but losses. You probably wouldn't see a puppy mill or irresponsible breeders taxes because they are illegal cheaters liars etc. please let's all come up with a more honorable and better plan that will stop illegal dog breeders who don't care and breed for profit margins that are insane.

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**Sent:** Thursday, January 31, 2013 8:39 AM  
**To:** edbtestimony  
**Cc:** gwpr@glennawong.com  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Glenna Wong	Individual	Oppose	No

Comments:

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## edbtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 31, 2013 8:58 AM  
**To:** edbtestimony  
**Cc:** fjitchaku@gmail.com  
**Subject:** Submitted testimony for HB233 on Feb 1, 2013 09:00AM

### **HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Fay Jitchaku	Individual	Oppose	No

Comments: I am concerned that this bill grants unchecked powers to the director by giving him/her "sole jurisdiction to grant, renew, deny, suspend, and revoke any license." It also allows the director to punish with a "fine of \$2,000 per citation as determined by the director." Please review these powers granted. This sounds more like a fascist society than a democratic one.

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**edbttestimony**

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**Sent:** Thursday, January 31, 2013 10:06 AM  
**To:** edbttestimony  
**Cc:** ostremrc@yahoo.com  
**Subject:** \*Submitted testimony for HB233 on Feb 1, 2013 09:00AM\*

**Categories:** LATE TESTIMONY

**HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Catherine Ostrem	Individual	Oppose	No

**Comments:**

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**THE HUMANE SOCIETY  
OF THE UNITED STATES**

**LATE**

TO: Honorable Chair Tsuji, Vice-Chair Ward and Committee Members

Committee on Economic Revitalization and Business, 2-1-13, 900 am,  
Rm 312

**RE: Testimony in SUPPORT of HB233; Relating to Commercial Dog Breeders**

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

On behalf of our members and supporters in Hawaii, we thank the Committee for considering this important measure to protect both dogs and consumers. Our organization has been involved in efforts in more than 20 states that have passed similar laws in the past 4 years to prevent the cruel treatment and exploitation of dogs, where sadly, profit is all too often put above welfare. The language proposed in this bill is similar to what is found in a number of states and has been upheld in numerous jurisdictions.

**Animal Welfare Concerns:** Dogs at puppy mills, also known as large scale commercial breeding operations, typically receive little to no medical care, often live in squalid conditions with no exercise, socialization or human interaction and are confined inside cramped wire cages for life. Breeding dogs must endure constant breeding cycles and are typically confined for years on end, without ever becoming part of a family. The breeding “stock” live their entire lives confined to small cages, devoid of human companionship. They are often victims of filth, inadequate shelter, overcrowding, and insufficient food and water. They are bred repeatedly and often receive little or no veterinary care.

Furthermore, many of these large-scale dog breeding operations continue to produce litter after litter of puppies, exacerbating the pet overpopulation crisis; contributing to increased euthanasia rates at local animal shelters and increasing animal care and control costs to taxpayers.

**Consumer Protection Concerns:** Dogs from these large-scale breeders are often sold in pet stores, online, via newspaper ads and in some cases directly to consumers with little or no regard for the dog's health, genetic history or future welfare. Puppies are often taken from their mothers for sale to pet stores at approximately 8 weeks of age, when they are highly susceptible to contagious diseases such as parvovirus and are very sensitive to behavioral stress. Poor breeding practices can also lead to serious genetic problems such as hip dysplasia—an often painful and crippling disorder.

In addition, many unknowing consumers also purchase dogs with “Registry Papers” thinking that this ensures the health or temperament of the dog they are purchasing. However, the American Kennel Club (AKC), by its own admission, has stated that AKC papers, “in no way indicate the quality or state of health of the dog.” No one should believe a dog is well-socialized, genetically sound, or healthy simply because he or she comes with registry papers. In several states, laws even mandate that consumers must be told that these registry papers do not guarantee health or even lineage. Unfortunately, consumers mistakenly believe that a high price for a dog means that the dog is healthy and well-socialized. Since the AKC has no enforcement authority it is necessary that the state act to protect these dogs by ensuring that basic welfare and standards of care are met. Please see attached 2012 AKC Breeders Report for more information.

We look forward to further discussions with DCCA as to how we may support them as the bill progresses, as we understand that some of these provisions would require new administrative procedures for the DCCA.

Again, we urge your support of HB233 and these most basic requirements to better protect dogs and consumers alike.

# THE AMERICAN KENNEL CLUB: NO LONGER “THE DOG’S CHAMPION?”

## AKC SHOULD STAND UP FOR DOGS, NOT PUPPY MILLS

The AKC has historically billed itself as “The Dog’s Champion,” the gold standard registry for purebred puppies. The AKC’s mission includes advocating for advances in “canine health and well- being” and working “to promote responsible dog ownership.”<sup>1</sup> Yet with all its emphasis on proper dog and puppy care, in recent years the AKC has opposed the majority of initiatives designed to prevent cruelty at large-scale breeding facilities known as puppy mills. In contrast to its vague public statements condemning substandard kennels, over the past 5 years the AKC has opposed more than 80 different bills and ordinances designed to require large-scale puppy producers to adhere to stronger care standards or oversight, and has even supported bills that would weaken current puppy mill regulations.

While the majority of breeders who register dogs with the AKC uphold high standards and are in compliance with the law, the AKC seems to spend an inordinate amount of time and resources covering up for the bad apples among them – resources that could be better spent focusing on promoting healthy well-raised dogs and high-quality breeders.

**In 2012, The AKC’s Government Relations Department rallied its supporters to oppose bills like the following:**

- Bills in West Virginia, Iowa, Ohio and several other states that would have required puppy producers to comply with basic care standards, such as regular feeding, cleaning, minimum space requirements, safe housing and veterinary care;
- An ordinance in Shelby County, Tennessee that would have prevented dogs from being left in hot vehicles for more than an hour (an AKC article called it “unwarranted”);



This breeding operation was closed by North Carolina authorities in May 2012. The operator had registered 91 litters with the AKC since 2008 and the kennel had been inspected by the AKC in 2011. The owners have been charged with animal cruelty.

<sup>1</sup> AKC website, June 20, 2012



- A bill in Rhode Island that would have prevented dogs from being tethered or confined to cages for more than 14 hours per day;
- Bills in three states that would have prevented owners from debarking dogs without a medical reason, and requiring that the procedure only be performed by a licensed vet;
- An ordinance in Porter County, Indiana that would require breeding kennels to adhere to the care standards outlined in the Animal Welfare Act (AKC's Chair called the basic standards "burdensome");
- A bill in Massachusetts that would have allowed a court to order animals to be seized from persons charged with animal cruelty, with the suspect responsible for the costs of caring for them if convicted; and
- A Louisiana bill that would have prevented breeding facilities from keeping dogs continually in stacked, wire-floored cages.

Most recently, the AKC has been lobbying breeders to oppose a proposed USDA rule that would regulate Internet puppy sellers under the federal Animal Welfare Act (AWA), even though the proposal includes exemptions for breeders with fewer than five intact females and those who sell puppies directly to buyers they meet in person. In its June 2012 Chairman's Report, the AKC's Chair, Alan Kalter, described the regulations as "onerous." It is unclear what the AKC finds onerous about the AWA regulations, which require only bare minimum standards of care. The regulations simply require that dogs must be given enough space to turn around and lie down, just six inches longer and higher than their bodies, clean food and water, and protection from dirty conditions and extreme temperatures. It also requires that breeders have a written exercise plan and veterinary plan, that they not sell puppies under 8 weeks of age, and other common-sense protections for dogs.

Despite the fact that the proposed USDA rule includes exemptions for small breeders and those who sell only from their homes, the AKC sent misleading emails to its supporters implying that requiring a license of Internet breeders would put good breeders out of business and "take away the public's opportunity to obtain puppies"<sup>2</sup> from responsible breeders.

Requiring a license will not put a good breeder out of business, nor will it require responsible home breeders to suddenly put all of their dogs in cages, as the AKC has also implied. It will, however, help uncover some of the worst puppy mills in the country. Why is the AKC protecting substandard breeders?



Dogs at Thornton's Kennels, a large-scale breeding facility in NC that sold AKC puppies as well as unregistered puppies. Thornton was convicted of 12 counts of animal cruelty for the condition of dogs found at her kennel. The AKC has routinely opposed stronger kennel laws in NC.

<sup>2</sup> AKC website, June 20, 2012

## DOGS RESCUED FROM LARGE-SCALE AKC BREEDERS

Humane organizations have been called in by law enforcement on numerous occasions to assist in rescuing imperiled animals from large, substandard breeding facilities that registered dogs with the American Kennel Club. These facilities, some of which held hundreds of animals and registered dozens of litters, are just the types of kennels AKC claims to inspect. Many of the operators were subsequently convicted of animal cruelty due to the dire conditions of their animals.

The AKC's response to several prominent examples in North Carolina illustrates the problem. In recent years, a number of puppy mills in North Carolina have been closed down due to cruel conditions, yet for the last four years, the AKC has repeatedly lobbied against public policy changes in the state that would require large-scale breeding facilities to abide by basic standards of care.

In 2009, The HSUS assisted in the rescue of 283 dogs from a facility known as Thornton's Kennels near Goldsboro, NC (photo, page 2). Many of the animals removed from the property were so filthy, matted and encrusted with feces that it was difficult to determine what breed they were. One of the Dachshunds removed had a chain collar that had grown into his neck, while a poodle mix had dental disease so advanced that much of her jaw had rotted away, leaving her unable to chew solid food. A Shih Tzu was in such poor condition that he had to have both eyes removed due to untreated veterinary issues and the effects of strong ammonia (urine) fumes. The owner, Virginia Thornton, self-identified as an AKC breeder, and AKC paperwork was found on the property. Virginia Thornton was charged and convicted of 12 counts of animal cruelty in August 2009. In December 2009, nearly one year after the rescue at Thornton's facility, the AKC suspended Thornton's AKC registration privileges.



The photo on this page and on page 1 show dogs in an AKC-inspected kennel in North Carolina that was closed down in May of 2012. The HSUS assisted local authorities in rescuing 36 Maltese dogs from the facility. Most of the dogs were found confined to small travel-size cages that were stacked three high in a dark shed. The kennel was selling puppies online and had registered 91 litters with the AKC since 2008. AKC had inspected the facility in 2011.

The shed reeked of urine and feces. "Because of the stench and the unsafe ammonia levels, law enforcement would not let us enter the building until they did a reading of the air quality," said Ashley Mauceri, manager of Animal Cruelty Issues for The HSUS Rescue Team, which was on site. "Law enforcement brought in specialists in HazMat suits." The dogs in the back of the narrow, dark shed who were furthest from the door had no access to fresh air. "In order to get some ventilation in there, the fire department had to break one of the windows in the shed," said Mauceri. It appeared that dogs who were more actively breeding were kept inside the cleaner home with their puppies, "while the dogs who weren't currently being used for breeding were basically tossed in the shed and forgotten." The owners surrendered the dogs and have been charged with 30 counts of animal cruelty. At publication time the outcome of the case was still pending.

**"THE DOGS WHO WEREN'T  
CURRENTLY BEING USED FOR  
BREEDING WERE BASICALLY  
TOSSED IN THE SHED AND  
FORGOTTEN."**

**– ASHLEY MAUCERI, HSUS  
RESCUE TEAM**

In a March 2012 case, more than 80 dogs were rescued from dog breeders Glenn and Joyce Brown in Jones County, North Carolina (photo, page 4). The pair advertised AKC puppies via the Internet and local newspaper ads. Their facility

was inspected by AKC in 2010, at which time they were given a warning letter from AKC for record-keeping violations – not kennel conditions. The AKC’s compliance report indicated that overall cleanliness and kennel construction “needs improvement,” but that overall the Browns’ facility was in compliance with AKC’s “Care and Conditions Policy.” Prior to being shut down by authorities in 2012, AKC records show that Joyce Brown had registered more than 170 litters with the AKC. As shown in Addendum A, it is estimated that the AKC made more than \$20,000 in registration income from this one puppy mill alone. After the animals were seized on March 15, 2012, Joyce Brown was sent a letter from AKC notifying her that her registration privileges were temporarily suspended.

Dogs rescued from the Browns’ facility were found living in overcrowded enclosures awash in feces. Medical conditions observed in the dogs included skin infections, ear infections, heartworm and other internal parasites, severe periodontal disease (some rotted to the bone, causing at least



Dogs at this Jones County, NC facility owned by an AKC breeder had very little floor space available that wasn’t covered in feces. The owners were convicted of 38 counts of animal cruelty earlier this year.

one animal’s jaw to break), flesh wounds from unsafe housing, severely matted fur, eye ulcerations, genetic defects, lack of socialization, upper respiratory infection, and dehydration. The cost to rescue and provide medical care for the animals exceeded \$60,000, not including court and legal expenses. The Browns were convicted on 38 counts of animal cruelty in May 2012.

Despite the many documented problems with commercial kennels in NC, the AKC, through its website and Government Relations arm, has regularly mobilized its supporters to oppose stronger kennel laws in the state. In referencing the defeat of a 2010 NC bill designed to provide oversight of commercial kennels, the AKC announced the defeat with pleasure, calling it “unnecessary.” It is also currently drumming up opposition to the proposed federal change to the Animal Welfare Act regulations that seeks to regulate Internet sellers like the Browns.

## **SELF-REGULATION IS NO SUBSTITUTE FOR NEEDED LAWS**

The AKC is the only well-known dog registry organization in the country that claims to regularly inspect its large-scale breeders. While any form of oversight is helpful and should not be disregarded, there are many reasons why a closed and internal system of inspections can’t substitute for legally enforceable public policies.

The regularity with which AKC-affiliated breeders have been linked with substandard facilities demonstrates that AKC’s system of self-managed random inspections is insufficient to protect all its dogs from cruelty.

In a March 2007 Chairman's Report, the Chair of AKC discussed its Compliance Department, which he reported has a protocol of inspecting all breeders who register 25 or more litters once every twelve months, and smaller breeders every 18 months or upon complaint. On its current website, the AKC is a little less specific, claiming: "AKC randomly selects breeders for inspection yearly. In addition to the random selection, AKC inspects breeders based on written, signed and substantiated complaints."

While oversight and accountability programs are helpful, AKC inspections alone have clearly not been enough to prevent numerous puppy mills from keeping dogs in overcrowded, filthy and inhumane conditions. Self-regulation is no substitute for clear state and federal guidelines that answer to the public's right to know.

### **Issues with AKC inspections include:**

- AKC inspectors do not have the ability to enforce any laws, including cruelty laws.
- If a breeder is found to be out of compliance, the only penalty available to the AKC is suspension of that breeder's ability to register new litters with the AKC.
- AKC inspection reports are kept private, with no public transparency. Results of AKC kennel visits and/or lists of inspected breeders are not available to potential buyers via public records requests or on the AKC website.
- AKC inspection regulations are vague, minimal, and do not provide specific, measurable standards for veterinary care, housing, feeding, or exercise. Its newly updated (April 2012) "Care and Condition of Dogs policy" does not ban wire flooring or stacked cages – common conditions at puppy mills.
- The AKC only inspects kennels that produce certain breeds of dogs. They do not inspect non-AKC breeders or breeders of "designer" mixed-breed dogs (for example, "Labradoodles" and "puggles"), which are some of the most popular types of puppies being produced in puppy mills today.

The AKC has taken action to revoke the registration privileges of several puppy mill operators who were convicted of animal cruelty. Unfortunately, the revocations occurred months or even years after the facilities were raided and the animals confiscated by law enforcement. Thus, the suspensions have been ineffective in protecting the animals from harm. Meanwhile, the AKC continues to rally its supporters to oppose any laws that would require commercial breeding facilities to be regularly inspected by a trained, impartial body.

## **THE AKC IS FINANCIALLY BEHOLDEN TO THE COMMERCIAL BREEDING INDUSTRY**

The AKC did not always oppose humane legislation. Prior to the 1990s it sometimes supported measures designed to prevent cruelty and strengthen the enforcement and reach of the federal Animal Welfare Act -- the very regulations that AKC's current Government Relations board refers to now as "burdensome." When and why did the AKC change its tune and start aligning itself with large-scale commercial kennels instead of the traditional small hobby and show breeders?

Today's AKC is beholden to the puppy mill industry to recapture its market share. In 1996, the AKC adopted a "Care and Condition of Dogs policy," and instructed its inspectors to report and ultimately suspend breeders who were found keeping dogs in cruel conditions. It also worked to ensure the accuracy and integrity of its stud books by requiring DNA testing of "frequent sires" (dogs who father dozens of litters).

The puppy mill industry retaliated by boycotting AKC, quickly forming "registry" organizations of its own. The new registries were designed specifically to avoid AKC's higher standards and oppose canine welfare legislation.<sup>3</sup> By 2000,

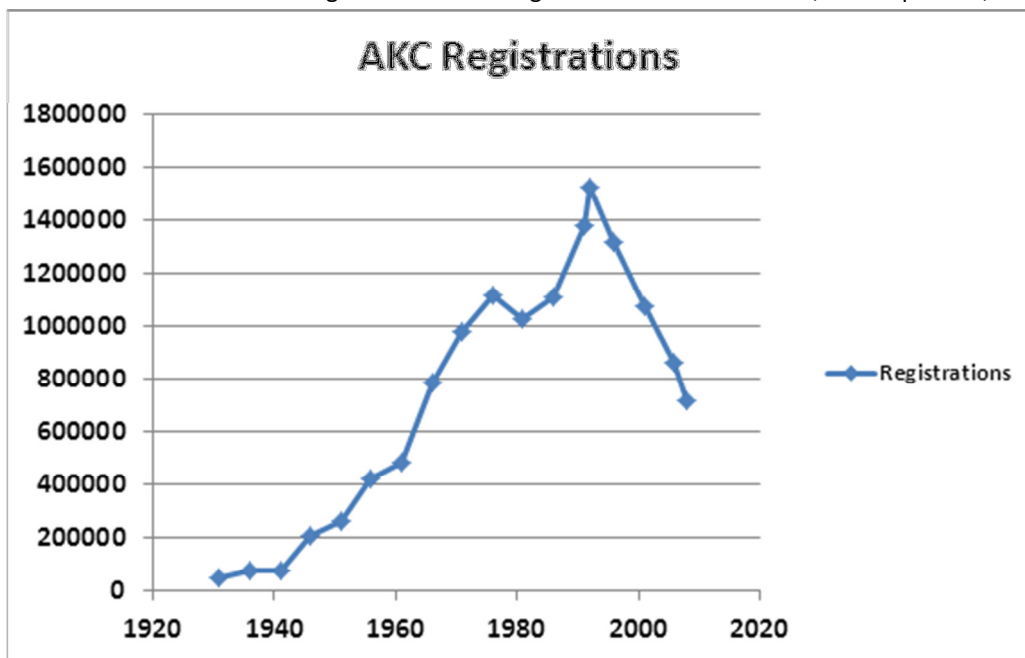
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<sup>3</sup> For example, the APRI (America's Pet Registry, Inc.) mission statement claims to 'condemn' substandard kennels while at the same time stating 'we condemn any and all activities and legislation that infringes upon the individual's right to choice concerning their pets.'

AKC's litter registrations had plummeted. The boycott was spearheaded by the Missouri Pet Breeders Association, Inc., a commercial kennel industry organization which regularly opposes new legislation designed to increase oversight of commercial breeders.

To stem the damage of the boycott and its loss of market share, the AKC created a High Volume Breeders Committee (HVBC), with a mission "to assess the current status of high volume breeding kennels and their role in, and impact on, the AKC registry; to define the appropriate relationship between high volume breeding kennels and the AKC, and to recommend to the AKC Board of Directors actions to implement the committee's findings."

The HVBC set out to make amends with the puppy mill industry. Its emissaries held town hall meetings in primary puppy mill states like Kansas and Missouri, visited and praised the Hunte Corporation, the nation's largest high volume broker (re-seller) of puppy mill dogs, and



ABOVE: Declining registrations may help explain AKC's reluctance to crack down on puppy mills. Source: Daniel R Verdon, DVM Newsmagazine, March 1, 2010.

visited and praised Petland, the nation's largest retailer of commercially farmed dogs. The AKC began offering discount registration coupons clearly aimed at the most frequent breeders. Finally, it removed the "do not buy puppies from a pet shop" tag from its website.

The AKC is now a "platinum sponsor" of the Missouri Pet Breeders Association, the very industry organization which boycotted the AKC for attempting to crack down on puppy mills in the 1990's. In addition to its Government Relations arm and a Canine Legislation Support Fund, the AKC has also formed a Political Action Committee (PAC) that "helps elect legislators who share our commitment to reasonable laws that protect our rights and promote responsible dog ownership and breeding," according to its website. There is no mention of supporting laws that protect dogs from neglect or cruelty.

By encouraging puppy mill operators to regularly register puppies with AKC, the AKC appears to supply the same credentials to substandard breeders as it does to its responsible, premium breeders – breeders whose top priority is canine health and quality. This is a grave disservice to the AKC's best breeders, who devote their lives to producing well-raised puppies and breeding from only their healthiest dogs.

## WHEN PURITY EQUALS PAIN: GENETIC PROBLEMS IN PUREBREDS

The HSUS regularly receives reports from heartbroken puppy buyers who have purchased genetically defective pets. Dogs afflicted with congenital and hereditary problems often suffer from chronic pain and have shortened lifespans.<sup>4</sup> In

<sup>4</sup> Allen, C. (2010, May). The Purebred Paradox. *All Animals Magazine*

recent years there have been multiple reports and studies<sup>5</sup> documenting a rising health crisis in many types of purebred dogs, and the effects are not limited to puppy mill dogs alone. AKC and other breed registries have established conformation standards that set a benchmark for the appearance of breeds, yet these standards measure external qualities only. Many dogs who conform “to type” often suffer from a laundry list of genetic and hereditary problems. Some dog lovers believe this is one of the least-discussed but most significant dog welfare issues of our time.

In August 2008, the BBC broadcast a documentary called “Pedigree Dogs Exposed,” which cast a light on breeding practices that result in physical ailments in dogs. The public was deeply disturbed to see footage of purebred dogs in distress, including a pug gasping for air due to its severely flattened face, and a Cavalier King Charles Spaniel writhing in agony due to syringomyelia, a painful disorder caused by the breed’s brain being too large for its skull (a disorder that may affect a third of the dogs of this breed type). The documentary concluded that thousands of purebred dogs suffer acute problems because of the dog fancy’s emphasis on exterior appearance rather than underlying health and well-being.

Yet rather than stand at the forefront of improving breed standards, AKC has been relatively silent on the issue. Some of the most popular AKC breeds tend to have the most disorders:



ABOVE: Likely the result of a “double dapple” breeding, this dog, rescued from a puppy mill in Jones County, NC earlier this year, was most likely born without eyes. She may also be deaf.

- Labrador Retrievers, who have topped the AKC’s popularity list for 20 years, are prone to about 50 inherited conditions, including many different eye and joint disorders.
- German Shepherd Dogs are prone to severe hip dysplasia due in part to a breed standard which requires the withers to be higher than the dogs’ sloping hips.
- Boxers often develop cancer and heart disease very early in life.
- English Bulldogs often suffer from breathing problems, dermatitis, heart disease and extreme heat sensitivity, and the Orthopedic Foundation for Animals estimates that 70 percent of them suffer from hip dysplasia.

Although genetic problems are not limited to puppy mill dogs, puppy mill operators rarely perform genetic testing on their breeding animals, which makes inherited disorders even more widespread among commercial, volume-focused

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<sup>5</sup> Bateson, P. (2010). Independent Inquiry into Dog Breeding; Companion Animal Welfare Council (CAWC). (2006). Breeding and welfare in companion animals: The companion animal welfare council’s report on welfare aspects of modifications, through selective breeding or biotechnological methods, to the form, function, or behavior of companion animals; Rooney, N and Sargan, D. (2009). Pedigree Dog Breeding in the U.K.: A major welfare concern?

breeders. Irresponsible producers also focus even more attention on a marketable appearance than on stable genes. For example, The HSUS has received complaints about “double dapple” Dachshunds, dogs who are bred for their striking and unusual coat patterns, but are often prone to blindness and/or deafness. “Double dapple” dogs have been rescued from a number of puppy mills, including the Jones County, NC facility mentioned earlier. The AKC has no rules against registering such dogs, nor does it prevent the registration of puppies who are the result of close inbreeding.

In November 2011, the *New York Times Magazine* published an in-depth cover story on this issue, “Can the Bulldog be Saved?” Author Benoit Denizet-Lewis documented the health and quality of life issues that have affected the English Bulldog breed after decades of genetic manipulation for certain physical traits, such as an unnaturally flat, wrinkled face, which affects the animal’s breathing, and a combination of large head and small hips, which almost always necessitates a surgical birth. As a result, English Bulldogs suffer a high rate of death from respiratory illness and genetic diseases.

AKC does have an affiliate called the Canine Health Foundation, which helps fund research into diseases affecting purebred dogs, but the AKC itself appears reluctant to take a firm stand on simply changing breed standards. A change in the breed standard could help correct the simple design flaws in the Bulldog – for example, by allowing a longer snout and wider hips. The British Bulldog Club has taken steps to revise the bulldog standard for the well-being of the breed, but when questioned for the *New York Times* article, an AKC spokesperson simply said that the AKC had no plans to encourage the Bulldog Club of America to follow suit. In effect, AKC refused to address the issue. Denizet-Lewis implied that the AKC won’t take steps to change the breed standard because today’s bulldogs are one of the AKC’s most popular breeds and therefore bring in a lot of registration income.

## CONCLUSION

To say that AKC has done nothing positive for dogs would of course be far from accurate. In addition to its affiliate, the Canine Health Foundation, some of AKC’s beneficial programs include its Companion Animal Recovery program’s Canine Support and Relief fund, which assists with search and rescue and helps pets displaced in disasters, and AKC’s Responsible Dog Ownership programs, which seek to teach dog owners about how to keep their pets safe, avoid accidental loss, and train their pets to be good canine citizens. But these programs only make up a tiny percentage of AKC’s annual outlays. And it’s difficult to understand why the AKC puts effort into programs like these, yet doesn’t take a stronger stand to safeguard dogs in puppy mills.

It’s likely that registration revenues<sup>6</sup> are behind the AKC’s protection of lower quality, high volume breeders. Yet in protecting them, AKC devalues the identity of the smaller, premium AKC breeders by appearing to give puppy mills the same stamp of approval. Offering only insufficient self-regulation as an alternative to impartial oversight, year after year the AKC has failed to support stronger laws or propose alternative legislation that would help create a practical solution to the problem of animals suffering in puppy mills.

The AKC has failed to protect the dogs it claims to love. If the AKC is to earn its moniker “The Dog’s Champion,” it must stop championing the “rights” of breeders to produce unhealthy dogs and the “rights” of puppy mills to operate sight-unseen. The AKC should return to its original focus of supporting its national breed clubs, dog shows and performance events and ensuring the health and heritage of purebred dogs. AKC should focus its resources on encouraging the public to purchase puppies only from smaller, quality breeders they have visited in person; breeders who raise healthy and well cared-for puppies.

The time has come for the AKC to address the issue of animal suffering head-on. To become “The Dog’s Champion,” the AKC must stop sweeping puppy mills under the rug.

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<sup>6</sup> AKC consolidated total revenues in 2011 were \$59.5 million, 22.88 million of which was from registration fees.

## ADDENDUM A: A CASE STUDY

### REGISTRATION FEES: THE NUMBERS FROM ONE PUPPY MILL

The AKC takes in approximately 23 million dollars a year in registration revenues, much of which may be coming from puppy mills. The owners of the Jones County puppy mill mentioned in this report sold AKC registered dogs, as well as unregistered dogs. The following statistics are a breakdown of the financial impact a puppy mill may have. These numbers do not include impacts to consumers who purchase sick puppies.

NUMBER OF ADULT DOGS REGISTERED TO AKC	141
NUMBER OF LITTERS REGISTERED TO AKC	174
NUMBER OF DOGS FOUND & SEIZED ON 3/14/2012	88
COST TO REGISTER 1 ADULT DOG WITH AKC	\$30
COST TO REGISTER A LITTER OF PUPPIES WITH AKC	\$25 (plus \$2 PER PUPPY)

### ESTIMATE:

Although the puppy mill's website stated that the dogs were sold for between \$600 and \$800 per puppy, this estimate will assume only \$500 was received for each puppy with the average litter having 4 puppies total. We will also assume that only half of the puppy buyers registered their new puppy with the AKC (at \$30 each). This is a conservative estimate for illustrative purposes only.

TOTAL PAID TO PUPPY MILL OPERATOR AT \$500 PER PUPPY	\$348,000
ESTIMATED TOTAL PAID TO AKC FOR ADULT DOGS, LITTERS, AND PURCHASED PUPPY REGISTRATIONS	\$20,412 <sup>*7</sup>
COST FOR MEDICAL CARE FOR 88 DOGS SEIZED	\$50,000
COST OF SUPPLIES & STAFF FOR RESCUE (HSUS, JONES COUNTY, SPCA OF WAKE COUNTY)	\$10,000
TOTAL COST TO CLEAN UP PUPPY MILL	\$60,000

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<sup>\*7</sup> (141 x \$30=paid by the breeder) + (174 x \$25=paid by the breeder) + (174 x 4 puppies per litter x \$2=paid by the breeder) + (174 x 2 puppies per litter x \$30=paid by the buyer)=\$20,412 (this figure assumes a litter of four puppies and it also assumes that only 50% of puppy buyers will register their puppies)



## ADDENDUM B: MORE PUPPY MILLS LINKED TO AKC

There is no shortage of examples when searching for large-scale, cruel breeding facilities found capitalizing on AKC-registered dogs. While it cannot be proven that the AKC knew about the recent conditions at each of the facilities described below, each one was registering AKC puppies and/or breeding from AKC stock. These examples clearly show a need for stronger oversight of large-scale breeding facilities – the kind of oversight that AKC has routinely opposed.

### 1. MAPLE’S LABRADORS, BAKERSFIELD, VT

In July 2011, 58 dogs and puppies were removed from a facility near Bakersfield, Vermont



owned by Karen Maple. AKC paperwork was found on the scene for the breeding dogs, including Isabele, who is shown in the two photos above both before and after her removal and rehabilitation. Most of the dogs were found in horrendous conditions. Some of them were in dark enclosures without access to light, food or water. Others were found ankle-deep in feces, and others were dehydrated or severely underweight.



**PHOTOS: Above: Before and after photos show the condition of one breeding dog, “Isabele” upon intake, and just a few months later after she was adopted and given proper care. RIGHT: AKC papers found on the scene.**

### 2. MASON CREEK KENNEL – CALDWELL COUNTY, NC

In June 2011, with assistance from The HSUS, authorities raided Mason Creek Kennel, owned by William Thomas Allen, and seized 276 dogs of various breeds who were living in horrendous conditions. Allen advertised his dogs and puppies through the Internet as AKC registered, and his facility had been inspected by AKC in previous years.



Mason Creek Kennels had an “F” rating with the local Better Business Bureau due to unresolved complaints. Medical conditions found in the confiscated animals included skin infections, mange, ear infections, dental and gum disease, heartworm and other internal parasites, tumors, eye ulcerations (burns from high ammonia levels), genetic defects, lack of socialization, flea infestation, upper respiratory infection, dehydration, malnutrition, hernias, and fight wounds.

The cost to clean up this facility and provide medical care for the animals exceeded \$100,000. Allen pled guilty to 104 counts of misdemeanor animal cruelty and two misdemeanor counts of failing to bury deceased animals. Allen's AKC registration privileges were suspended about six months after the rescue, in December 2011.

### 3. SANDRA AND LEONARD KRUPCZNSKI – PARIS, AR

In March 2009, with assistance from The HSUS, authorities entered the property of Sandra and Leonard Krupcznski, where they found approximately 300 Yorkies, Pekingese, Pomeranians, Akitas, Shih Tzus, Poodles, and Shelties living in deplorable conditions. The Krupcznskis had formerly been licensed by the USDA, but in recent years had dropped their federal license and were apparently taking advantage of the "retail sales" loophole by selling directly to the public. Because they were in a state without any kennel laws, the facility operated without any state or federal inspections whatsoever, allowing conditions to spiral out of control until a large-scale rescue operation and court intervention became necessary.

The Krupcznskis surrendered all of the dogs, and were suspended from AKC privileges half a year later in October of 2009.

### 4. LANZIE "JUNIOR" HORTON / HORTON'S PUPS – HILLSVILLE, VA

In November 2007, following an HSUS investigation of Virginia puppy mills, The HSUS assisted local authorities in removing approximately 800 dogs from Horton's Pups, owned by Lanzie "Junior" Horton in Hillsville, VA. In addition to finding dogs in deplorable conditions, the investigation revealed that Horton was unlawfully selling puppies to pet stores without a USDA license.



In May of 2008, Horton was convicted on 14 counts of animal cruelty and 25 counts of animal neglect due to the condition of dogs at his kennel. Over a year later, in December of 2009, the AKC suspended Horton's AKC privileges.

Due to his cruelty convictions, Horton was no longer permitted to operate a breeding kennel in Virginia, so he moved his business to Ohio, a state with no kennel oversight laws. AKC has routinely opposed laws in Ohio designed to provide protection for dogs at commercial kennels or set minimum care standards, leaving facilities like Horton's uninspected and unmonitored. Witnesses say that Horton's current property is dotted with large trailer-like buildings, where any dogs he may now own are hidden from view.

### 5. KATHY JO BAUCK / PUPPIES ON WHEELS – NEW YORK MILLS, MN

Kathy Bauck of Puppies on Wheels was perhaps one of the most notorious puppy mills ever to exist in the United States. Over the years, Bauck sold thousands of puppies to pet stores around the country, and was the focus of numerous investigations and consumer complaints. She also sold AKC registered puppies.

In 2006, Bauck was ordered by the Minnesota State Board of Veterinary Medicine to cease and desist from performing veterinary medicine without a license after puppy buyers complained that she was performing botched surgeries on many of her dogs and then selling them over the Internet. In 2008, she pled guilty to practicing veterinary medicine without a license, served time in jail, and was put on probation. Eventually, in March 2009, Bauck was convicted on state violations of three counts of animal torture and one count of animal cruelty stemming from documented incidents at her breeding facility. Her USDA violations included repeated incidences of animals suffering from untreated illnesses and injuries; dogs

"euthanized" by unapproved methods; deaths due to improper care; puppies kept in outdoor cages in subfreezing temperatures; and dogs found coated in matted, feces-encrusted fur and standing in their own wastes.

In August 2009, the USDA initiated proceedings to revoke her federal license, but Bauck continued to unlawfully sell puppies to pet stores up until August 2011. Despite Bauck's long history of animal cruelty, it wasn't until January 2010 that AKC suspended her registration privileges.

## 6. David Yoder / Black Diamond Acres – Romulus, NY

In July 2010, David Yoder of Black Diamond Acres became infamous practically overnight when news broke that he had unlawfully and inhumanely killed 78 of his breeding dogs and 15 puppies by placing them in a wooden box attached to a hose which was pumping exhaust fumes from an engine. The dogs were reportedly killed because some had tested positive for Canine Brucellosis, an infectious disease which can affect their ability to produce puppies. Yoder was reportedly selling AKC registered puppies.

Previous violations noted at this facility over the years included puppies that were found dead or lethargic by inspectors, numerous dogs with untreated medical issues who were in need of veterinary care, accumulations of feces, dogs with matted fur, rusted and broken housing and wire flooring, and a strong odor in the kennel. Yoder pled guilty to inhumane destruction of animals, and in March 2011, nearly a year after the mass "euthanasia" of his dogs, his AKC privileges were suspended for 15 years.

## ADDENDUM C: GENETIC HARM <sup>8</sup>

"It's extraordinary that we should have bred animals that the only way they can be born is through C-section," said Sir Patrick Bateson, emeritus professor of ethology at Cambridge University and the chair of an independent review of dog breeding practices in the UK that came about in the wake of the furor sparked by the BBC documentary "Purebred Dogs Exposed."

Bateson was the keynote speaker among a roster of other distinguished speakers and attendees at The Purebred Paradox, a conference held in Washington, D.C., April 28-29, 2011, to address the animal health and welfare issues surrounding dog breeding. Topics included a wide range of dog health matters, from the effectiveness of hip dysplasia screening to the role of genetics in canine behavior and the impact of puppy mills on purebred health.

### C-SECTION REQUIRED

Bateson's remarks about C-sections were pertinent to brachycephalic dog breeds (those whose heads are almost as wide as they are long) such as English bulldogs and Boston terriers. Because of their large heads, more than 90 percent of the latter breed are born via Caesarean, Bateson noted, and the statistics for bulldogs aren't far behind.

### DESTRUCTIVE BREEDING PRACTICES

But it's not just these dog breeds who have changed over time as a result of breeding to enhance their particular characteristics: the Basset's legs have gotten shorter; the pug's face—more smushed. The King Charles Cavalier spaniel's skull is so small it doesn't allow the brain to grow and can cause a painful and debilitating condition known as syringomyelia. A variety of breeding practices may be damaging individual animals via exaggerated characteristics and also—through inbreeding—weakening animals' immunity to diseases.

<sup>8</sup> This section includes excerpts previously published in an April 2011 HSUS web story: "Purebred Dogs: What Price Purity?" by Carrie Allan

Bateson made it clear that he was not suggesting that people should no longer breed dogs, and noted the enormous joy and satisfaction many get from doing so. The issue is longstanding and polarizing, he said, “and when that happens, the middle ground gets excluded. I’m not here to say we should ban pedigreed dogs—far from it—but to say there are issues that need to be raised.”

Bateson suggested that dog breeding could benefit from regulation—“to ensure that where commitment and goodwill are lacking, animal welfare standards cannot fall below an acceptable minimum.”

### **ABOUT THIS REPORT**

*This report was prepared by members of The Humane Society of the United States’ research department and puppy mills campaign. The Humane Society of the United States is one of the only national organizations that maintains a full-time puppy mills staff, including puppy mills specialists and researchers.*

*Since 2006, The HSUS has saved more than 8,000 dogs from inhumane commercial breeding facilities, worked with lawmakers to create or strengthen more than 28 laws to crack down on puppy mills, investigated major puppy retailers, and campaigned for a ballot measure in Missouri, the nation’s largest puppy mill state, to require more humane treatment of dogs. There are an estimated 10,000 puppy mills in the United States, which sell puppies through pet stores, classified ads, and online.*

*The HSUS is releasing this report on activities of the American Kennel Club from 1996 to 2012 to demonstrate that an organization that many Americans consider to be a protector of dogs has, in fact, blocked the passage of laws to protect dogs and has not taken strong enough measures to end the abuse of dogs at puppy mills. Our goal in publishing this report is to encourage AKC to live up to its promise to be “the dog’s champion” by supporting commonsense laws that give consumers greater confidence in the puppies they purchase and by protecting animal welfare.*

*A recent proposal by the U.S. Department of Agriculture also prompts the publication of this report, since AKC has inaccurately portrayed the impact of the proposed rule change and is urging breeders to oppose it. The group’s advertising and reputation create the impression of quality breeding, but in many cases, AKC registration is not a guarantee that a puppy was bred under humane conditions. The organization has the opportunity to help improve purebred dog welfare by backing the reasonable proposals put forth by the USDA and by state lawmakers.*

*This report is based on documents observed at rescue scenes or provided in legal proceedings; documents available on the AKC’s website; media reports; research conducted by puppy mill experts; and other sources as indicated.*

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**HB233**

Submitted on: 1/31/2013

Testimony for EDB on Feb 1, 2013 09:00AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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