

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
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FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i**

January 30, 2013

RE: S.B. 414; RELATING TO COMMERCIAL DOG BREEDERS.

Chair Hee, Vice Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of S.B. 414. This bill is part of the Department's 2013 legislative package.

The purpose of this bill is to establish licensing and regulatory standards for large-scale dog breeders, currently defined (paraphrased) as someone who has more than ten (10) female dogs with intact sexual organs over the age of six months, for the purpose of breeding those dogs and selling, bartering or transferring their offspring. The definitions, standards of care, and enforcement language contained in S.B. 414 were derived from statutes successfully implemented in Pennsylvania, Colorado, Oregon, Washington, Missouri and various other states. Many of these statutes were adopted 20 to 30 years ago in their respective states, and have evolved over time to their current language.

Given recent cases that have been brought to the Department's attention, it is clear that large-scale dog breeders do exist in Hawaii, though the exact number is difficult to determine under current laws. Unless formal complaints are made by neighbors or other interested individuals, law enforcement generally has little or no knowledge of how anyone treats the animals on their property, or how exactly many animals are kept on the property. By the time officials are alerted, the situation can be dire or beyond hope for the animals living there.

The Department strongly believes that animals, particular pet animals such as dogs, are entitled to a minimum standard of care from their owners, and further believes that the public is entitled to certain minimum expectations when they purchase a dog, which are often purchased

for hundreds or even thousands of dollars each, and require a lifelong commitment of care. While the maltreatment or neglect of one animal is bad enough, the problem is compounded exponentially when it affects dozens or even hundreds of dogs at a time, which can then produce multiple litters of puppies.

While the specific details or nuances of S.B. 414 are certainly open to discussion and revision--including input from individuals or organizations with dog care expertise--the Department strongly believes that the crux and purpose of this bill is good, and is necessary to facilitate future oversight of large-scale commercial dog breeders. Moreover, the Department believes that S.B. 414 would work alongside existing laws to prevent this specific form of animal abuse, and serve as a much-needed deterrent to those who may be inclined to over-breed or wrongfully breed dogs.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 414. Thank you for the opportunity to testify on this matter.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 10:27 AM
To: JDLTestimony
Cc: exec.dir@hihs.org
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM
Attachments: Support SB 414.docx

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Whitaker	Hawaii Island Humane Society	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Submitted by: Donna Whitaker, Executive Director
Hawaii Island Humane Society
Date: January 28, 2013
RE: Support SB 414
Relating to Animal Cruelty: Commercial Dog Breeding

The Hawaii Island Humane Society joins with other Animal Welfare Agencies in the State of Hawaii in support of SB 414 in order to better protect animals from inhumane conditions associated with breeding operations.

This bill would provide much needed protection for breeding dogs by outlining standards of care including nutrition, exercise and housing, and ensuring that an entity owning or breeding animals keep appropriate and accurate records on veterinary treatment, vaccinations, and breeding frequency. The consumers will also be protected through accurate record keeping and would know that a dog is fit for breeding through proper veterinary medicine channels. It will prohibit these operations from owning more than 50 dogs, which would prevent a business from exploiting countless animals.

Thank you for the opportunity to present to the committee and we respectfully ask for your support of this measure.



AMERICAN
KENNEL CLUB®

January 29, 2013

Members of the Senate Committee on Judiciary and Labor
415 South Beretania Street
Honolulu, HI 96813

Re. Oppose SB 414

Dear Members of the Senate Committee on Judiciary and Labor,

The American Kennel Club (AKC) writes to express concerns with Senate Bill 414 and ask that you do not advance this measure. Problematic provisions include, but are not limited to:

- A “commercial dog breeder” would be defined as a person who owns or otherwise has control of more than ten unsterilized female dogs with intact sexual organs over the age of six months for the purpose of breeding those dogs and selling or otherwise transferring their offspring.
 - The measure does not indicate how “for the purpose of breeding” would be determined.
 - As written, the owner of 10 intact females could be subject to licensing if a single puppy is sold or placed. The occasional sale of puppies by a hobby breeder should not be regulated as a commercial enterprise.
- 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. Further, pet ownership limits have already been enacted on local levels in Hawaii.
- 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.

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 SB 414.**

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.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 5:17 PM
To: JDLTestimony
Cc: cochonlibre@gmail.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments: This legislation is very important- for animal protection as well as requiring breeders to be responsible for local and federal taxes.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 7:32 AM
To: JDLTestimony
Cc: director@equine808.com
Subject: *Submitted testimony for SB414 on Jan 30, 2013 09:30AM*

SB414

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Betina Parker	Equine 808 Horse Rescue	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 7:49 AM
To: JDLTestimony
Cc: rmmkona@gmail.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Menacho	West Hawaii Humane Society	Support	No

Comments: Dogs need protection from puppy mills. Please support and pass this bill! Mahalo

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Hawaiian Humane Society

People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
808.946.2187 • hawaiianhumane.org

To: Senator Clayton Hee, Chair of the Committee on Judiciary and Labor,
Senator Maile S.L. Shimabukuro, Vice Chair, and Committee Members

Senate Committee on Judiciary and Labor (JDL)
January 30, 2013, 9:30 am, Room 016

Submitted by: Jennifer J. Han, Policy Advocate
Hawaiian Humane Society, jhan@hawaiianhumane.org

Date: January 29, 2013

**RE: Support SB414;
Relating to Commercial Dog Breeders**

The Hawaiian Humane Society strongly supports the passage of Senate Bill 414 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 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. The Hawaiian Humane Society has executed an internal tracking of puppy sales in Oahu posted on Craigslist, Star Advertiser, and Kijiji (EBay). Between June 2012 and December 2012, there have been 1,689 puppies advertised in Oahu just on these three websites, the sum of which amounts to over \$1.7 million (specifically \$1,728,472). 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 SB 414. On behalf of Hawaiian Humane Society, I ask for your support in passing this measure.



THE HUMANE SOCIETY
OF THE UNITED STATES

TO: Honorable Chair Hee, Vice-Chair Shimabukuro and Committee Members

Committee on Judiciary and Labor, 1-30-13, 930 am, Rm 010

RE: Testimony in SUPPORT of SB414; 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, 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.

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

Again, we urge your support of SB414 and these most basic requirements to better protect dogs and consumers alike.

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

January 26, 2013

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

Testimony Supporting SB 414
Relating to Commercial Dog Breeders

Honorable Chairperson & Committee Members,

I am writing in support to SB 414 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

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 12:02 PM
To: JDLTestimony
Cc: nomie_34@yahoo.com
Subject: *Submitted testimony for SB414 on Jan 30, 2013 09:30AM*

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Naomi Egami	Individual	Support	No

Comments:

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 5:17 PM
To: JDLEstimony
Cc: nalogirl@gmail.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
diana pugh	Individual	Support	No

Comments: THIS SHOULD INCLUDE SOCIALIZING TO, OTHER DOGS, HUMANS, TOYS AND HAVE AMPLE CLEAN OUTDOOR SPACE

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 5:35 PM
To: JDLTestimony
Cc: alicesaul@hawaii.rr.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Alice Saul	Individual	Support	No

Comments: Senator Clayton Hee, Chair and Senator Maile S.L. Shimabukuro, Vice Chair Write about SB14, and urge its passage. There are many fields in which amateur practitioners can be successful. In business ventures, for the most part, customers and employees are rarely harmed. If, however, they are, there are avenues they can pursue for restoration. Animals, however, have no recourse for the deprivation and mistreatment they can be subjected to by persons motivated more by profit than for the animals' wellbeing. While we can't hope to professionalize dog breeders overnight, we do need to hold the industry accountable in that it currently has no standards for meeting the basic needs for adequate nutrition, cleanliness, comfort, reasonable efforts at socialization for animals that will be bought by people who value them as companions. Thank you. Aloha, Alice Saul

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 5:33 PM
To: JDLTestimony
Cc: merway@hawaii.rr.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Erway	Individual	Support	No

Comments: this makes total sense to me -- urge your support. Mahalo!!

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Theresa Donnelly SUPPORT

Dear Sen. Hee, Sen. Shimabukuro and other members of the committee on Judiciary and Labor,

My name is Theresa Donnelly, and I am a volunteer with many national and local animal nonprofits. Previously, I was an officer with a local Boxer dog club and the owner of Hawaii Military Pets, an online educational resource for Hawaii Military families.

I am writing to you to express my support for SB 414, relating to commercial dog breeders.

Currently, the state of Hawaii has no way for animal control officers to check for minimum standards of care in large-scale breeding facilities. These common sense provisions are ones that any responsible and loving breeder already does. In fact, the breeders I know who bred with love, purpose and care already go above and beyond these minimal guidelines.

I realize some will say they cannot enforce these provisions or breeders may oppose this bill as they feel their personal freedoms are infringed upon. I ask all of those people to look for ways to make it work and to consider making sacrifices for the benefit of society as a whole.

It's so easy to embrace a culture of no, but **isn't animals suffering in deplorable breeding conditions worth finding a solution?**

I challenge those entities and the opposition you'll no doubt hear on this bill to look for ways to make it work. Look for a way to increase dialogue and understanding so that the greater goal of protecting animals from the cruelty of puppy mills in Hawaii is one day not a dream, but an actuality.

I ask all of those in this committee to find it in their hearts to look past the opposition and find a way so that our dogs are protected. Then one day our community will take *meaningful* steps to hold those who abuse animals accountable for their atrocities towards our society's most defenseless creatures.

Thank you for your time in reading my testimony.

Theresa Donnelly

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 6:29 PM
To: JDLTestimony
Cc: bluejourney@aol.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Stefanie Delmont	Individual	Support	No

Comments: Please be aware that for many, myself included, lack of attendance at hearings has to do with being on a neighbor/sister island (Hawaii in my case) rather than lack of interest. Just not possible in terms of time and money to attend important hearings - appreciate this on line option. aloha and mahalo

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 10:48 PM
To: JDLTestimony
Cc: Ahimsam9@gmail.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Markl	Individual	Support	No

Comments: You've probably heard of the clausterphobic and dirty careless treatment of these feeling beings. I've met one of them who developed a painful lifelong condition as a result. I say put those puppymillers and their lawyers in a similar cubicle for a long time treating them the same and tell them not to complain.

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To: Chair Clayton Hee, Vice Chair Maile Shimabukuro and Members of the Senate
Judiciary and Labor Committee
From: Mary James
Date: January 30, 2013

Re: Testimony in support of Senate Bill 414

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.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 12:35 AM
To: JDLTestimony
Cc: care4petservices@yahoo.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Bounds	Individual	Support	No

Comments: Puppy Mills are nothing but breeding factory for (human) profit. People who run these Puppy Mills do not care about these Dogs welfare. I/we all have seen videos of so many puppy mills (undercover investigations) and the horrible conditions these wonderful Animals live in and what they go through. Why are we letting these breeders get away with this? How many more puppy mill videos do we need to watch?

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 7:25 AM
To: JDLTestimony
Cc: viprot@hotmail.com
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM

SB414

Submitted on: 1/29/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
pete diaz	Individual	Support	No

Comments: I am in support but with the following: 1.breeding stock should be microchip, tattooed to include DNA. These requirements will identify the stock that is being bred 2. Identify where the budget for enforcement will come.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 11:21 AM
To: JDLTestimony
Cc: skodo@hawaii.edu
Subject: Submitted testimony for SB414 on Jan 30, 2013 09:30AM
Attachments: SB414 Testimony.docx

SB414

Submitted on: 1/28/2013

Testimony for JDL on Jan 30, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Shanna Kodo	Individual	Support	No

Comments:

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I support SB414 because I believe that all businesses should operate under some form of minimum standards and requirements. Restaurants for example are required to operate under certain requirements and standards so, why should commercial dog breeders be exempt from operating under some form of standards and requirements too? Not having some form of requirements and standards for licensing and care may also lead to animal cruelty because that would be neglecting an animal. Therefore, SB414 is very important so, I ask that you please pass this bill. Thank you.