

JAN 15 2014

S.B. NO. 2129

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# A BILL FOR AN ACT

RELATING TO VETERINARY MEDICINE.

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

1 SECTION 1. Section 471-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§471-2 License required. No person shall practice  
4 veterinary medicine, either gratuitously or for pay, or shall  
5 offer to so practice, or shall announce or advertise, publicly  
6 or privately, as prepared or qualified to so practice, or shall  
7 append the letters "Dr." or affix any other letters to the  
8 person's name with the intent thereby to imply that the person  
9 is a practitioner of veterinary medicine, without having a valid  
10 unrevoked license obtained from the board of veterinary  
11 examiners; provided that nothing in this chapter prevents or  
12 prohibits the following:

13 (1) Any person from gratuitously treating animals in case  
14 of emergency;

15 (2) The owner of any animal or animals and the owner's  
16 full-time, regular employees from caring for and  
17 treating any animals belonging to the owner; provided  
18 that the owner of a pet animal and the owner's



1 employees shall not perform any surgical procedures on  
2 the pet animal, including but not limited to surgical  
3 birth, tail docking, dewclaw removal, ear cropping,  
4 and debarking; and provided further that persons  
5 residing on any island with a resident population of  
6 less than five thousand may conduct tail docking and  
7 dewclaw removal procedures on pet animals within five  
8 days of the pet animal's birth. For purposes of this  
9 paragraph, "pet animal" shall have the same meaning as  
10 in section 711-1100;

- 11 (3) Any student enrolled in any veterinary school or  
12 college or any employee of a veterinarian from working  
13 under the direct supervision of a veterinarian;
- 14 (4) Any person from practicing veterinary medicine in the  
15 employ of the United States government while engaged  
16 in the performance of the person's official duties;
- 17 (5) Any person licensed to practice veterinary medicine in  
18 any state, or any certified scientist or professional  
19 in animal care, from practicing in this State when in  
20 actual consultation with or under the sponsorship of  
21 veterinarians of this State; provided that the person  
22 licensed from another state, or the certified



1 scientist or professional in animal care, shall not  
2 open an office, or appoint a place to meet patients,  
3 or receive calls within the limits of the State;

4 (6) Any farmer from giving to another farmer the  
5 assistance customarily given in the ordinary practice  
6 of animal husbandry; or

7 (7) Any applicant who meets the licensing requirements of  
8 practicing veterinary medicine under a veterinarian by  
9 permit; provided the applicant applies for and takes  
10 the first examination scheduled by the board. A  
11 permit shall not be renewed."

12 SECTION 2. Section 471-15, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[+]§471-15[+] **Criminal penalties.** (a) Any person  
15 convicted of violating section 471-2 shall [~~have committed~~] be  
16 guilty of a misdemeanor and shall be subject to a fine not to  
17 exceed \$500 [~~or~~], imprisoned not more than six months, or both.

18 [~~Additionally,~~] (b) Any person convicted of violating  
19 section 471-2 and who, in the course of that violation,  
20 intentionally or knowingly performs any surgical procedure,  
21 including but not limited to surgical birth, ear cropping, tail  
22 docking, dewclaw removal, and debarking, on a pet animal shall



1 be guilty of a misdemeanor. For purposes of this subsection,  
2 "pet animal" shall have the same meaning as in section 711-1100.

3 (c) In addition to the penalties provided in subsections  
4 (a) and (b), all tools, implements, appliances, medicine, and  
5 drugs used in the practice of veterinary medicine by any person  
6 convicted of practicing veterinary medicine without a license  
7 shall be declared forfeited to the State by the court and turned  
8 over to the board for disposition as it may choose to make."

9 SECTION 3. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Wm H. Lee*



# S.B. NO. 2129

**Report Title:**

Veterinary Medicine; Criminal Penalties; Pet Animals

**Description:**

Prohibits pet animal owners and owners' employees from performing surgical procedures on pet animals, with certain exceptions. Establishes intentionally or knowingly performing a surgical procedure on a pet animal while violating section 471-2, HRS, as a misdemeanor.

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

