

JAN 22 2016

A BILL FOR AN ACT

RELATING TO ANIMAL WELFARE.

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

PART I

SECTION 1. Chapter 143, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§143-A Limit on number of dogs. No person shall own, possess, control, or otherwise have charge or custody at any time more than three dogs, over the age of one year, per premise without receiving a kennel license as required by this chapter.

§143-B Standard of care. (a) Any person who owns, possesses, controls, or otherwise has charge or custody of one or more dogs over the age of four months shall provide the following for each dog:

- (1) Regular exercise;
- (2) Sufficient food and clean water;
- (3) Sufficient housing or shelter;
- (4) Sufficient space for movement;
- (5) Sufficient veterinary care; and



1 (6) A microchip implanted under the skin;
2 provided that no microchip shall be implanted in any dog aged
3 less than four months.

4 (b) Any person who attaches a tether or restraint to a dog
5 shall ensure that the tether or restraint:

6 (1) Does not exceed one-eighth of the dog's total body
7 weight;

8 (2) Is a minimum of ten feet long;

9 (3) Does not allow the dog to become entangled with
10 itself, other dogs, or objects; and

11 (4) Uses a swivel attachment to the dog's collar or
12 harness, that shall be comfortable and loose fitting;

13 provided that no person shall leave a dog outside and unattended
14 by use of a tether or restraint that unreasonably limits the
15 dog's movement between the hours of 10:00 p.m. and 6:00 a.m. No
16 person shall use a choke collar, pinch collar, or prong collar.

17 (c) Any person who violates this section shall be subject
18 to the following:

19 (1) A fine of \$150 for the first offense; and

20 (2) A fine of \$200 for the second and all subsequent
21 offenses.



1 Each violation shall constitute a separate offense. Upon
2 commission of a third or subsequent offense, the dog shall be
3 seized and the owner shall be placed on the county registry of
4 persons deemed unfit for dog ownership. If the circumstances
5 warrant a charge of cruelty to animals in the second degree
6 prescribed under section 711-1109, the defendant may be charged
7 with violating that section instead.

8 (d) Any violation of this section shall be in addition to
9 and not in lieu of any other state and federal laws protecting
10 animal welfare. This section shall not be construed to limit
11 any state law, rule, or regulation protecting the welfare of
12 animals, nor shall anything in this section prevent a local
13 governing body from adopting and enforcing its own animal
14 welfare laws and regulations in addition to these sections."

15 SECTION 2. Section 143-1, Hawaii Revised Statutes, is
16 amended by adding nine new definitions to be appropriately
17 inserted and to read as follows:

18 "Dog" means any animal that is wholly or in part of the
19 subspecies Canis lupus familiaris.

20 "Person" means any individual, firm, partnership, joint
21 venture, association, limited liability company, corporation,



1 estate, trust, receiver, or syndicate; provided that the term
2 shall not include:

3 (1) An animal control or welfare agency tax exempt under
4 title 26 United States Code section 501(c)(3);

5 (2) A person who provides care for dogs at the request of
6 a government agency;

7 (3) A veterinary clinic; or

8 (4) A boarding facility that only houses dogs temporarily
9 and prohibits the breeding of dogs or selling of dogs.

10 "Premise" means any place, building, or part thereof.

11 "Primary enclosure" means any kennel, cage, or structure
12 used to restrict a dog to a limited area of space.

13 "Regular exercise" means providing the dog with constant
14 and unfettered access to an outdoor or indoor exercise area that
15 provides at least four times the square footage of a dog's
16 primary enclosure required for each dog pursuant to paragraph
17 (2) of the definition of "sufficient space for movement".

18 "Sufficient food and clean water" means access to adequate
19 amounts of appropriately nutritious food to maintain good health
20 and weight; and continuous access to potable water that is



1 substantially free from debris, feces, algae, and other
2 contaminants.

3 "Sufficient housing or shelter" means constant and
4 unfettered access to a primary enclosure that:

- 5 (1) Contains only one dog over the age of one year;
- 6 (2) Is made of material sufficient to provide safety for
7 the dog and safety to any person who may come in
8 contact with the primary enclosure;
- 9 (3) Has a roof that provides shade, shelter, and
10 protection from the elements;
- 11 (4) Has flooring made of a non-porous surface that can be
12 cleaned and sanitized;
- 13 (5) Is sufficiently ventilated at all times to minimize
14 odors, drafts, and ammonia levels, and to prevent
15 moisture condensation;
- 16 (6) Is not stacked or otherwise placed on top of or below
17 another animal's primary enclosure; and
- 18 (7) Is cleaned at least once a day of feces, hair, dirt,
19 debris, and food waste.

20 "Sufficient housing or shelter" does not include crawl spaces,
21 steps, decks, stoops, the underside or interior of vehicles,



1 carriers or crates used for transport, or shelters that may
2 deteriorate when exposed to the elements.

3 "Sufficient space for movement" means the following for a
4 primary enclosure:

5 (1) At least twelve inches of headroom above the head of
6 the tallest dog in the primary enclosure when it is in
7 a normal standing position; and

8 (2) A square footage that includes at least:

9 (A) Twelve square feet of floor space for each dog
10 that is no more than twenty-five inches in
11 length;

12 (B) Twenty square feet of floor space for each dog
13 that is no less than twenty-five inches and no
14 more than thirty-five inches in length; and

15 (C) Thirty square feet of floor space for each dog
16 that is more than thirty-five inches in length;
17 provided that the length of the dog shall be measured
18 from the tip of the nose to the base of the tail.

19 "Sufficient veterinary care" means, at minimum:

20 (1) An examination performed at least once a year by a
21 veterinarian licensed under chapter 471;



- 1 (2) Prompt treatment of any illness or injury by a
2 veterinarian licensed under chapter 471; and
3 (3) Humane euthanasia, when needed, by a veterinarian
4 licensed under chapter 471, using lawful techniques
5 deemed acceptable by the American Veterinary Medical
6 Association."

7 SECTION 3. Section 143-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§143-2 License required[-]; kennel license. (a) It
10 shall be unlawful for any person to own or harbor a dog unless
11 the dog is licensed as provided by this chapter, provided that
12 the legislative bodies of the several counties may, by
13 ordinance, [~~dispense with or~~] modify the licensing requirements
14 of this chapter.

15 (b) A kennel license shall be required of any person
16 owning or having the custody or control of more than three dogs
17 over the age of one year.

18 (c) This chapter shall not apply to dogs under the age of
19 three months which do not run at large, dogs in quarantine, and
20 dogs brought into the State exclusively for the purpose of



1 entering them in a dog show or dog exhibition and not allowed to
2 run at large."

3 SECTION 4. Section 143-3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§143-3~~ License fee and kennel license fee controlled by
6 ordinance. [~~Except where licenses are dispensed with pursuant~~
7 ~~to section 143-2, each~~] Each county council shall have the power
8 to fix by ordinance the license fee and kennel license fee for
9 dogs on [~~a biennial~~] an annual basis. [~~Until and unless~~
10 ~~otherwise provided by ordinance the biennial~~] The annual license
11 fee for each dog shall be [~~\$4.~~] a minimum of \$20; provided that
12 upon a dog being spayed or neutered the license fee shall be
13 waived for three years. The annual fee for each kennel license
14 shall be a minimum of \$100. Any person owning or having the
15 custody or control of any dog shall pay the license fee and
16 kennel license fee, if applicable, to the director of finance of
17 the county in which the dog is owned, kept, or controlled. The
18 license fee and kennel license fee, if applicable, shall be due
19 and payable on January 2 of every [~~second~~] year and shall be
20 paid before March 11 of every [~~second~~] year, or within thirty



1 days after the exemption ceases in the case of dogs becoming
2 subject to this chapter.

3 The full amount of the license fee or kennel license fee
4 shall be paid for any fraction of the license period for which a
5 license is issued.

6 All moneys received by the director of finance under this
7 chapter shall be paid into the general fund of [~~sueh~~] the
8 county."

9 SECTION 5. Section 143-4, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§143-4 Issuance of license and tags.** Upon the receipt of
12 the license fee, or kennel license fee, if applicable, the
13 director of finance shall issue to the person paying the fee a
14 license or kennel license stating the following:

- 15 (1) The name and address of the person to whom the license
16 is issued;
- 17 (2) The year for which the license is paid;
- 18 (3) The date of payment;
- 19 (4) A description of the dog or dogs for which the license
20 is issued; and
- 21 (5) The number of the metal tag issued for [~~the~~] each dog.



1 The director of finance shall at the same time issue and
2 deliver to the person a metal tag in the form and design as the
3 director of finance may designate with a serial number and the
4 year for which it is issued plainly inscribed thereon. The tag
5 shall be attached to a collar around the neck of the dog for
6 which the license has been issued. The fee for the tag shall be
7 set by each county council; provided that, until and unless
8 provided by ordinance, the fee shall be 10 cents."

9 SECTION 6. Section 143-7, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§143-7 Pounds and animal control officers[-]; registry of
12 persons unfit for dog ownership. (a) The council of each
13 county may establish and maintain pounds for the impounding of
14 dogs under this chapter, and may provide for the appointment and
15 compensation of animal control officers who shall have all the
16 powers of a sheriff or police officer in carrying out this
17 chapter. Animal control officers may deputize volunteer
18 citizens to assist in enforcement of this chapter.

19 (b) The council of each county shall establish and
20 maintain a registry of persons who are deemed unfit for dog
21 ownership that shall include the name of any person who commits



1 three or more offenses in violation of section 143-B. The
2 registry shall be maintained by the county and made available to
3 the public."

4 SECTION 7. Section 143-8, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§143-8 Seizure and redemption of unlicensed dogs.

7 [~~Except where licensing requirements are dispensed with, every]~~

8 Every officer shall seize any unlicensed dog found running at
9 large or found upon any public highway, street, alley, court,
10 place, square, or grounds, or upon any unfenced lot, or not
11 within a sufficient enclosure, whether in the immediate presence
12 of the owner or otherwise, and confine it in a pound or any
13 suitable enclosure for a period of forty-eight hours, during
14 which time it shall be subject to redemption by its owner by
15 payment of the license due, if any, and a penalty to be set by
16 each county council; provided that until and unless provided by
17 ordinance the penalty shall be \$2.50. If not so redeemed, the
18 dog shall be sold by the officer for the amount of the license
19 and penalty due, or as much more as can be obtained therefor;
20 provided that the officer may neuter or require the neutering of
21 the dog prior to sale, and if not so sold it shall be humanely



1 destroyed. The owner of any unlicensed dog impounded and not
2 claimed within forty-eight hours as provided in this section,
3 may redeem the dog at any time before sale or destruction of the
4 dog by paying to the officer, in addition to the amount of the
5 license and penalty, an impoundment fee per day for the number
6 of days over two days the dog was impounded. Each county
7 council shall have the power to fix the impoundment fee for
8 dogs; provided that until and unless otherwise provided by
9 ordinance the impoundment fee shall be \$2.50 a day. Of the
10 money so received the amount of the license fee shall be paid to
11 the director of finance and the balance shall be retained by the
12 officer to defray the expenses of collecting, keeping, and
13 feeding the dog. Every officer shall seize any dog whose owner
14 has committed three or more offenses in violation of section
15 143-B. Any dog seized as provided by section 143-B,
16 notwithstanding any other law, shall be ineligible for
17 redemption by the owner who committed the offenses and shall be
18 treated in the same manner as an unlicensed dog that is not
19 claimed."

20 PART II



1 SECTION 8. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§711- Cruelty to animals by slaughtering or trafficking
5 dogs for human consumption. (1) A person commits the offense
6 of cruelty to animals by slaughtering or trafficking dogs for
7 human consumption if the person intentionally or knowingly:

8 (a) Slaughters by the person's self or in conspiracy with
9 another person a dog for the purpose of human
10 consumption;

11 (b) Traffics dogs or dog products for the purpose of human
12 consumption; or

13 (c) Possesses dog products for the purpose of human
14 consumption.

15 (2) As used in this section:

16 "Dog products" means the carcass or part of a carcass of
17 any dog.

18 "Sell" means the transfer of a dog or dog products to
19 another for the purpose of human consumption.

20 "Slaughter" means the killing of an animal for food
21 purposes.



1 The sum appropriated shall be expended by the county of
2 Hawaii for the purposes of this Act.

3 SECTION 11. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$80,000 or so much
5 thereof as may be necessary for fiscal year 2016-2017 for a
6 grant-in-aid to the county of Maui for two full-time equivalent
7 (2.0 FTE) animal control officer positions.

8 The sum appropriated shall be expended by the county of
9 Maui for the purposes of this Act.

10 SECTION 12. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$80,000 or so much
12 thereof as may be necessary for fiscal year 2016-2017 for a
13 grant-in-aid to the county of Kauai for two full-time equivalent
14 (2.0 FTE) animal control officer positions.

15 The sum appropriated shall be expended by the county of
16 Kauai for the purposes of this Act.

17 SECTION 13. In codifying the new sections added by section
18 1 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.



S.B. NO. 2273

1 SECTION 14. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 15. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 16. This Act shall take effect upon its approval;
7 provided that sections 9, 10, 11, and 12 of this Act shall take
8 effect on July 1, 2016.

9

INTRODUCED BY: *Paul E. Bell* B.R.



S.B. NO. 2273

Report Title:

Animal Cruelty; Dog Standard of Care; Persons Unfit for Dog Ownership; Dog Kennel Licenses; Slaughtering or Trafficking Dogs for Human Consumption; Appropriation

Description:

Establishes a standard of care for dogs including kennel and tether restrictions. Imposes civil penalties for violations of the standard of care including seizure of the dog upon the third offense and the addition of the owner's name to a county registry of persons unfit for dog ownership. Repeals biennial dog licenses and a county's ability to dispense with license requirements. Requires a county to establish an annual license fee of a minimum of \$20 per dog and allows for a three year fee waiver if the dog is spayed or neutered. Establishes a kennel license requirement for a person owning more than three dogs and requires a county to establish an annual kennel license fee of a minimum of \$100. Requires each county to establish and maintain a registry of persons deemed unfit for dog ownership. Establishes the crime of cruelty to animals by slaughtering or trafficking dogs for human consumption. Appropriates grants-in-aid to the counties for animal control officers and enforcement of the standard of care.

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