THE SENATE TWENTY-NINTH LEGISLATURE, 2017 STATE OF HAWAII

S.B. NO. 802

JAN 2 0 2017

A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1	SECTION 1. The Hawaii Revised Statutes is amended by
2	adding a new chapter to be appropriately designated and to read
3	as follows:
4	"CHAPTER
5	REGULATION OF ANIMAL RESCUE ENTITIES
6	§ -1 Definitions. As used in this chapter:
7	"Animal" means any nonhuman mammal, bird, reptile,
8	amphibian, or fish.
9	"Animal rescue entity" means an individual or organization,
10	including but not limited to an animal control agency, humane
11	society, animal shelter, animal sanctuary, or boarding kennel,
12	but excluding a veterinary facility, that keeps, houses, and
13	maintains in its custody on site or elsewhere ten or more
14	animals and that solicits or accepts donations in any form.
15	"Enforcing agency" means the agency designated as the
16	enforcing agency by the county.



Page 2

S.B. NO. 802

1	ş ·	-2 License required. (a) An animal rescue entity
2	shall obta	ain a license issued by the enforcing agency in
3	accordance	e with this section and comply with the following
4	licensing	requirements:
5	(1)	Any rules or ordinances adopted by the enforcing
6		agency;
7	(2)	Payment of a reasonable fee, as determined by the
8		enforcing agency, for a license or an annual renewal
9		of the license to provide for the actual cost of
10		enforcing this section; and
11	(3)	Payment of the license fee to the director of finance
12		of the county in which the entity operates.
13	(b)	Each county council shall have the power to set
14	standards	for animal rescue entity licenses. An applicant for
15	an animal	rescue entity license shall demonstrate that the
16	applicant	complies with all standards imposed under applicable
17	law.	
18	(c)	The enforcing agency shall not issue or renew a
19	license u	nder this section unless the animal rescue agency is in

20 compliance with the requirements of this chapter.



Page 3

S.B. NO. 802

1 (d) An animal rescue entity may transfer a license issued 2 under this section to another individual or organization with 3 the written consent of the enforcing agency; provided that the transferee otherwise qualifies to be licensed as an animal 4 5 rescue entity under this section and rules applicable to the 6 transferee and does not have a certified unpaid debt to the 7 State. The transferee shall submit a signed release to the 8 enforcing agency permitting the performance of a background 9 investigation of the transferee, and the enforcing agency shall 10 conduct the background investigation.

11 § -3 Recordkeeping; requirements. (a) An animal rescue
12 entity shall keep a record for each animal in its custody that
13 contains the following information:

14 (1) The conditions under which the entity came into
15 custody of the animal, including date of intake and
16 source of the animal;

17 (2) The date of birth of the animal or, if the date of
18 birth is unknown, the approximate age of the animal;
19 (3) The sex, breed type, and weight of the animal at
20 intake;



Page 4

S.B. NO. 802

1	(4)	A photograph of the animal taken within twenty-four
2		hours of intake;
3	(5)	The number of offspring the animal produced while in
4		the possession or control of the entity, if
5		applicable; and
6	(6)	The disposition the entity makes of each animal
7		possessed by, controlled by, or in the charge of the
8		entity, including date and manner of disposition, and
9	3	the name and address for any individual or
10		organization taking possession, control, or charge of
11		an animal from the entity.
12	(b)	Records kept in accordance with subsection (a) shall
13	be kept b	y the animal rescue entity for three years from the
14	date of d	isposition of each animal in its custody.
15	(c)	An animal rescue entity shall permit an authorized
16	represent	ative of the enforcing agency to inspect records of the
17	entity re	quired by this section and shall furnish reports and
18	informati	on as requested by the enforcing agency.
19	S	-4 Inspection. (a) Whenever an authorized
20	represent	ative of an enforcing agency is advised or has reason
21	to believ	e that an animal rescue entity is operating without a



S.B. NO. 802

license, the representative may visit and conduct an on-site
 investigation of the premises of the animal rescue entity.

3 (b) At any reasonable time, an authorized representative 4 of an enforcing agency may conduct an on-site investigation of 5 the premises of any licensed animal rescue entity to determine 6 whether the entity is in compliance with the requirements of 7 this chapter.

§ -5 Penalty. (a) A violation of this chapter by an
9 animal rescue entity may result in imposition of civil penalties
10 to be determined by the enforcing agency, including but not
11 limited to the impoundment of all animals under the entity's
12 control, the revocation of the entity's license to operate as an
13 animal rescue entity, and civil penalty of not more than \$500
14 per violation.

15 (b) Before a civil penalty may be imposed under this 16 section, the enforcing agency shall adopt rules or ordinances 17 to:

18 (1) Ensure that an individual or organization who is the
19 subject of an alleged violation receives notice of the
20 allegations and potential imposition of civil
21 penalties;



S.B. NO. 802

1	(2) Allow the opportunity for a hearing prior to the
2	imposition of civil penalties; and
3	(3) Allow the opportunity for judicial review of the
4	imposition of civil penalties.
5	§ -6 Disposition of fees and penalties. All moneys
6	received by the director of finance under this chapter shall be
7	paid into the general fund of the respective county and shall be
8	used for enforcing agency operations taken pursuant to this
9	chapter and applicable ordinances."

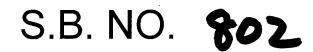
10 SECTION 2. This Act shall take effect on July 1, 2017. 11 Vike &

INTRODUCED BY:

tom s.C. Senhas].

me Mercado Ki Clarence & Spickika Daviere





Report Title:

Animal Rescue; Animal Rescue Entities; Requirements; Licensing; Counties

Description:

Creates licensing requirements and regulations for animal rescue entities; provides enforcement and penalties for violations.

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

