



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

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**ON THE FOLLOWING MEASURE:**  
H.B. NO. 185, RELATING TO ANIMALS.

**LATE**

**BEFORE THE:**  
HOUSE COMMITTEE ON AGRICULTURE

**DATE:** Friday, February 3, 2017

**TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 312

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Daniel K. Jacob, Deputy Attorney General

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Chair Creagan and Members of the Committee:

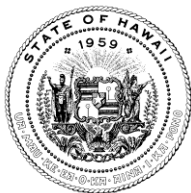
The Department of the Attorney General provides the following comments:

The purpose of this bill is to establish licensing requirements for dog breeders and to clarify and strengthen laws pertaining to abandonment of or cruelty to animals.

Pursuant to section 26H-6, Hawaii Revised Statutes (HRS), new regulatory measures being considered for enactment that, if enacted, would subject unregulated professions and vocations to licensing or other regulatory controls shall be referred to the auditor by a concurrent resolution in order to analyze the probable effects of the proposed regulatory measure and assess whether its enactment is consistent with the policies set forth in section 26H-2, HRS.

Accordingly, we recommend either that the bill be held until such time as the concurrent resolution has been adopted and the Auditor's report has been completed and submitted to the Legislature, or that the Legislature include wording within the bill that exempts this new mandate from the audit requirement set forth in section 26H-6, HRS.

Thank you for the opportunity to provide testimony.



DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
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DEPUTY DIRECTOR

PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
TO THE HOUSE COMMITTEE ON AGRICULTURE  
TWENTY-NINTH STATE LEGISLATURE  
Regular Session of 2017

FRIDAY, FEBRUARY 3, 2017  
8:30 a.m.

**TESTIMONY ON HOUSE BILL NO. 185, RELATING TO ANIMALS.**

TO THE HONORABLE RICHARD P. CREAGAN, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 185, Relating to Animals. 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 Section 1 of the bill and takes no positions regarding the remainder of the bill.

House Bill No. 185 creates a new chapter for the regulation of dog breeders by the Department. The bill establishes licensing requirements for 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 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 a Report in October 2011. The Auditor did not find that Senate Bill No. 1522 met the criteria for the regulation of large scale dog breeders or that the Department was the appropriate regulatory agency.

The Department has the following concerns with House Bill No. 185:

(1) House Bill No. 185 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. Dog breeders run 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.

On page 14 of the Auditor's 2011 Report, it was 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 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 the 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. That 2012 Act transferred regulatory oversight of commercial pet breeders from the Pet Breeders Board to the Oklahoma Board of Agriculture.

(3) Section 1 of the bill substantively appears to serve no particular consumer protection or regulatory purpose, which the measure's current committee referral would seem to support. While sections 2 to 6 of the bill makes substantive changes to the Penal Code, section 1 of the bill merely creates a registration function. If the intent of section 1 of the bill is to create a registration scheme to assist in the implementation of the other criminal sections of the bill by more readily identifying persons or entities engaged in particular conduct, the department believes that there are less burdensome ways of fulfilling this non-consumer protection function, such as the creation of a registry similar to those laws relating to scrap dealers and alarm installations.

Testimony on House Bill No. 185  
February 3, 2017  
Page 2

While the Department understands the concerns of the Legislature, the Department does not feel that making it responsible for licensing and enforcement of 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. 185.

Thank you for this opportunity to testify on House Bill No. 185.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 10:23 AM  
**To:** AGRtestimony  
**Cc:** cathyg@animalrightshawaii.org  
**Subject:** \*Submitted testimony for HB185 on Feb 3, 2017 08:30AM\*

**HB185**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b>   | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|-----------------------|---------------------------|---------------------------|
| Cathy Goeggel       | Animal Rights Hawai'i | Support                   | No                        |

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 10:21 AM  
**To:** AGRtestimony  
**Cc:** relawrence02@yahoo.com  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM

**HB185**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert Lawrence     | Koolau Pets         | Oppose                    | No                        |

Comments: Dear Law Makers My name is Robert Lawrence I am the GM of a small family business in Kaneohe (Koolau Pets). We have been in business for 43 years. We sell a large selection of pets and their supplies including puppies. We are strongly against any licensing of stores and breeders. It is just a way for the humane society to regulate our business and dog fanciers. Their ultimate goal is to stop all pet breeding and control the market. There are adequate laws on the books now that help to eliminate irresponsible animal breeders. We love our animals and give them exceptional care. Most dog fanciers also love their dogs and give them exceptional care. The few that do not are weeded out by the Hawaiian Humane Society. We do not support any cruelty to animals in any way, but licensing stores and breeders is not the answer. Thank You, Robert Lawrence Koolau Pets

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2017 8:25 PM  
**To:** AGRtestimony  
**Cc:** mz@conservehi.org  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM

**HB185**

Submitted on: 1/31/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Marjorie Ziegler    | Individual          | Support                   | No                        |

Comments: I support HB 185.

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Committee on Agriculture  
Rep. Richard P. Creagan, Chair,  
Rep. Lynn DeCoite, Vice Chair,  
Committee Members,

I strongly oppose HB185 in its current form. I support all sections relating to animal cruelty and abandonment, which is what the title of this bill would lead you to believe it is about. However, much of the content of this bill has nothing to do with cruelty; the aim seems to be at establishing restrictions and licensing for dog breeders.

My first concern is in the definition "person" and of "dog breeder"

*"Person" means an individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate, or any other legal entity.*

*"Dog breeder" means a person who:*

*(1) For compensation or profit, sells or offers for sale, exchange, gift, transfer, or lease, via any means of communication including the Internet, newspaper, or telephone, twenty-five or more of the offspring of breeding female dogs in any one-year period and is engaged in the business of breeding intact female dogs;*

*(2) Owns or harbors twenty or more intact female dogs over six months of age that are intended for breeding; or*

*(3) Owns or harbors a total of thirty intact dogs over the age of six months that are intended for breeding on the premises.*

Are businesses such as pet stores and feed stores included? The wording "offspring of breeding female dogs" does not specify that the offspring must be from female dogs who were bred or owned by the seller. If the owner of a pet store breeds one litter of their own puppies in a year, but sells over 25 in the store, would the owner be considered a breeder?

How would this bill affect private individuals who rescue or foster puppies? There are a lot of people who are not part of any rescue groups or organizations, but do rescue dogs/puppies and find them homes. There are many times when a pregnant dog will be taken into the person's home to be cared for until her puppies are weaned. If the puppies that they rescue and adopt exceed 25, would they have to be licensed and subject to inspections? Please note, that 3 large breed litters could easily surpass 25 puppies.

I also know several people who provide a service by helping others find homes for their puppies. The people who they are helping do not always have transportation to allow them to sell the puppies on their own. Sometimes it is for an elderly individual who does not know how to advertise their puppies. It may also be that the person is simply helping a friend who doesn't have an outlet for their litter. Some of the individuals who provide this service breed their own dogs as well, some do not. They would be the ones collecting payment for all of the puppies that they are finding homes for, which may exceed 25 puppies in a year. Would it not do more harm than good to create obstacles for these people who are doing a service and keeping the numbers of dogs being abandoned or surrendered as low as possible?

I assume that non-profit shelters are excluded, although, that is not mentioned either.

Another issue that I have with this bill is that it leaves a lot of questions unanswered. One of which, is the unspecified fee. How much will it cost someone to be a "licensed dog breeder"? Who will be doing the inspections?

Unannounced inspections are an invasion of privacy, regardless of who is doing the inspection. This bill allows for the "inspector" to access all areas where dogs are kept. This could be especially problematic for someone who has pregnant or nursing dogs on their property. It is important to keep stress factors to a minimum for the dogs. Having strangers entering their home at any time may cause stress and difficulties for the mother. If the inspection happens to be during labor, it could cause complications leading to the loss of puppies in the litter. Also, most breeders keep areas where puppies and mothers are kept sterile. They should not be forced to allow someone to come into their sterile environment, as germs may be tracked in on hands, shoes, or clothing.

One of the violations that are mentioned is:

*(5) To own or harbor more than fifty intact dogs on a premises subject to this chapter.*

First, does this include puppies? If so, that severely limits how many dogs can be bred at one time. If a breeder has 6 dogs that go into heat within a few weeks of each other, choosing to breed them could easily cause this breeder to violate this rule. If the dogs are not bred they may miss out on litters from some of the dogs for that year, cutting out what may be an important part of their income. Unfortunately, you cannot choose when your dog's heat cycle will be, and many dogs only go into heat once a year.

Even if this violation is not meant to include puppies, there should not be a cap on the number of dogs that a breeder is allowed to have. The quality of care is what matters, and having more pets than someone else does not mean the quality of care will go down. There are many people who have only one dog and do not care for it properly. Likewise, there are people with 100 dogs, who all have excellent care.

I would support HB185 as an animal cruelty bill, but not while it includes licensing and restrictions for dog breeders.

Respectfully,

Casey Baker

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 1:30 PM  
**To:** AGRtestimony  
**Cc:** rmmkona@gmail.com  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM

**HB185**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Mary Menacho        | Individual          | Support                   | No                        |

Comments: Please support this bill!!! There should be licensing requirements for dog breeders. Dog breeding can be all about the money for breeders instead of the best welfare of the dog. There has to be more oversight and requirements on dog breeders. And when they do not follow the requirements/laws, they must be penalized so its worth their time to have the dogs best welfare in mind. Mahalo for your time.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 5:32 PM  
**To:** AGRtestimony  
**Cc:** annmm@juno.com  
**Subject:** \*Submitted testimony for HB185 on Feb 3, 2017 08:30AM\*

**HB185**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Ann Mello           | Individual          | Support                   | No                        |

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 4:57 PM  
**To:** AGRtestimony  
**Cc:** sawonglaw@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB185 on Feb 3, 2017 08:30AM\*

**HB185**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Sandie Wong         | Individual          | Support                   | No                        |

Comments:

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**Hawaiian Humane Society**  
*People for animals. Animals for people.*

2700 Waialae Avenue Honolulu, Hawaii 96826  
808.356.2200 • [HawaiianHumane.org](http://HawaiianHumane.org)

Rep. Richard P. Creagan, Chair  
Rep. Lynn DeCoite, Vice Chair  
and Members  
House Committee on Agriculture

Testimony in support of HB185 Relating to Animals

Friday, Feb. 3, 2017  
8:30 a.m., Capitol conference room 312

The Hawaiian Humane Society supports the passage of HB185, which would regulate large-scale dog breeders and strengthen several areas of animal protection that are critically needed.

The Society has long advocated for the licensing of large-scale dog breeders. We believe that people engaged in the breeding of pets should be required to meet at least minimal animal welfare standards.

The inspections requirements related to large-scale dog breeders in HB185 are clear and would guarantee a minimum quality of life for animals kept for breeding purposes.

The Society also supports the intent of the animal cruelty section of HB185, which would extend important protections to additional animals, such as those listed as threatened or endangered by the state or federal government. HB185 also would strengthen the abandonment law.

The Society applauds the committee's consideration of HB185 and recommends its passage.

Please let me know if I can be of assistance.

Aloha,

Stephanie Kendrick  
Public Policy Advocate  
Hawaiian Humane Society  
808-356-2217

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 4:15 PM  
**To:** AGRtestimony  
**Cc:** GerritOsborne@gmail.com  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM

**HB185**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Gerrit B Osborne    | Individual          | Support                   | No                        |

Comments: To many, dog breeders who run "puppy mills," etc. are no better than human traffickers and should be treated just as severely. You are certainly familiar with the deplorable conditions frequently found here: malnourishment, medical care absent, animals living in cramped, sweltering, stench-filled conditions often in their own waste and among dead and dying cage mates. If there is one bill before you demanding passage, THIS IS IT!

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I oppose HB 185 for the following reasons:

1. We currently have a City and County of Honolulu law that only allows 10 dogs maximum per residential household.
2. We currently have animal cruelty and nuisance laws that are already in place.
3. Two or three large dogs can produce more than the 25 puppy limit per year proposed in this bill.
4. I don't think there should be a legal limit on the amount of dogs one can own provided the dogs are properly cared for and are not disturbing the neighbors.
5. If the owner is a responsible dog breeder, I don't see a need for a breeder's license.

We should try to work with the laws we currently have in place. If we can't enforce the laws that we currently have, we won't be able to enforce new ones. I just see this as an opportunity for the state trying to make more money by charging residents fees that are unnecessary.

Respectfully,

Clayton Cotton





Submitted by: Donna Whitaker, Executive Director  
Hawaii Island Humane Society

Date: February 2, 2017

Rep. Richard P. Creagan, Chair  
Rep. Lynn DeCoite, Vice Chair  
and Members  
House Committee on Agriculture

Testimony in support of HB185 Relating to Animals

The Hawaii Island Humane Society supports the passage of HB185, which would regulate large-scale dog breeders and strengthen several areas of animal protection that are critically needed. The Society has long advocated for the licensing of large-scale dog breeders. We believe that people engaged in the breeding of pets should be required to meet at least minimal animal welfare standards.

The inspections requirements related to large-scale dog breeders in HB185 are clear and would guarantee a minimum quality of life for animals kept for breeding purposes. The Society also supports the intent of the animal cruelty section of HB185, which would extend important protections to additional animals, such as those listed as threatened or endangered by the state or federal government. HB185 also would strengthen the abandonment law.

We applaud the committee's consideration of HB185 and recommends its passage.

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

Donna Whitaker  
Executive Director  
Hawaii Island Humane Society



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 6:16 AM  
**To:** AGRtestimony  
**Cc:** niidesign@hawaii.rr.com  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM

**HB185**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM 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: Comments: I oppose HB185 - I agree with the parts regarding the criminal penalties for animal cruelty, but oppose the requirement for breeder licensing. How will the licensing be enforced and paid for? Who will enforce it? I think it will be costly and impractical to enforce. In the past, the Department of Count Consumer affairs has stated that they are not able or willing to be the regulating entity for licensing. I feel that our taxpayer money would be better spent on other programs like addressing our homeless and mentally ill population.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 5:59 AM  
**To:** AGRtestimony  
**Cc:** rosemarykarlsson@gmail.com  
**Subject:** \*Submitted testimony for HB185 on Feb 3, 2017 08:30AM\*

**HB185**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Rosemary Karlsson   | Individual          | Support                   | No                        |

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 5:58 AM  
**To:** AGRtestimony  
**Cc:** octopus@maui.net  
**Subject:** \*Submitted testimony for HB185 on Feb 3, 2017 08:30AM\*

**HB185**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Rene Umberger       | Individual          | Support                   | No                        |

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 12:34 AM  
**To:** AGRtestimony  
**Cc:** dr.yoshicedo@gmail.com  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM

**HB185**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Jill Yoshicedo      | Individual          | Support                   | No                        |

Comments: Dear Committee on Agriculture: I am in support of regulating dog breeders through licensing requirements and site inspections. I believe this will promote safer, healthier, and more humane conditions for dogs used in the dog breeding business. Thank you for hearing this bill.

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Wednesday, February 01, 2017

Committee on Agriculture

Rep. Richard P Creagan, Chair

Rep. Lynn Decoite, Vice Chair

Committee Members

Regarding HB 185 (hearing date 2/3/17)

Honorable Chair, Vice Chair and Committee Members:

I'm writing in opposition to HB 185 in it's current form.

Upon reading H.B. NO. 185, I came to find that this bill includes much more than the title would imply. (Report Title: Animal Welfare; Cruelty to Animals; Animal Abandonment.) I agree completely with the portion of this bill that includes the topics mentioned in the title however, there is much more to this bill then the title would depict. I understand and appreciate the concern for the well-being and safety of all animals, but I believe requiring "breeders" to obtain a permit is unnecessary and the required inspections are an invasion of privacy.

Animal welfare and cruelty laws apply to all people, not just people who own one or two dogs. It also includes those who fall into the definition of "breeder" as defined by this bill. All owners are held accountable for the care (or lack thereof) provided to their animals. That being said, why do we need to place specific regulations on breeders in addition to the general animal welfare/cruelty portion of this bill? As this bill is written we would be placing unacceptable restrictions of pet owner/breeders.

Often when one thinks of a "breeder" they think of someone who breeds dog for the sole purpose of financial gain. I'm sure this is sometimes the case however, families or individuals

who breed their animals often do so because they want to share their passion and love for their pets with others. Having and loving a pet is not limited by number and those whom you consider to be a “breeder” are no different than any other pet owner. Any individual owning an animal has the ability to choose to care for and love their pet or neglect their pet. Having one dog, ten dogs or thirty dogs doesn't in anyway define how those animals will be cared for.

I'm very concerned about the unannounced inspections required after one obtains a breeding permit. Families that breed their dogs often have setups in their homes for the nursing mother and babies. Dogs are instinctively protective of their homes, families and pups. Having a stranger come into the home of a nursing dog can be extremely upsetting to the parent dogs and therefore detrimental to the puppies health. Stress causes the immune system to weaken. With a weakened immune system the pups and mother dog become much more susceptible to picking up sickness. When having a litter of puppies it is crucial to their health that they be kept in a sanitary environment. Being required to allow a stranger to come in and inspect your home is not only an invasion of privacy, but it is also exposing the puppies and mother dog to an unknown amount of outside germs. With the contaminants being tracked into the home along with the distress caused by the unexpected and unnecessary visit, these inspections could cause irreparable damage to the puppies and mother dog's well-being.

As I mentioned in the above paragraph, it is people's homes in which you will often be inspecting. Individuals who breed dogs do not always have kennel facilities on cement slabs as many often believe. Puppies are often raised in bedrooms, kitchens, and dining rooms. You will not just be inspecting their “ facility” you will be coming unannounced into their homes. No one should be judged, restricted or punished due to the number of animals they have, but by the way they love and provide for the animals in their care.

I would love to support this bill and I agree with the portion regarding general welfare, abuse and abandonment, but I must ask that the restrictive permitting of breeders is removed in its entirety.

At this time I must oppose H.B. NO. 185, as it is written now.

Respectfully,

Brandy Baker





**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 10:07 PM  
**To:** AGRtestimony  
**Cc:** 333cory@gmail.com  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM

**HB185**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Cory Harden         | Individual          | Support                   | No                        |

Comments: Aloha legislators, Please support this much-needed bill to protect animals from neglect and abuse. mahalo, Cory Harden, Hilo

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Honorable Representatives,

I oppose HB 185 for the following reasons:

- 1) This bill looks only like a way for the State to make more money. It is poorly put together as there are existing laws that limit the number of dogs on a premises.
- 2) Every dog has a different amount of offspring and a single quote is inefficient for controlling the amount of dogs being produced. (i.e. Chihuahua may have 2-4 puppies, while a Border Collie may have 12.)

Mahalo,

Kent Cotton

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 1, 2017 9:23 PM  
**To:** AGRtestimony  
**Cc:** shaun\_hawaii@yahoo.com  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM

**HB185**

Submitted on: 2/1/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| shaun_hawaii        | hawaii opaeula      | Oppose                    | No                        |

Comments:

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Wednesday, February 01, 2017

**Committee on Agriculture**

Rep. Richard P Creagan, Chair

Rep. Lynn DeCoite, Vice Chair

Committee Members

Regarding HB 185 (hearing date 2/3/17)

Honorable Chair, Vice Chair and Committee Members:

**I am writing in opposition to HB 185** in its current form.

Although I am in support of bills meant to protect animals and stop abuse, I cannot support a bill that imposes licensing on Hawaii residents who would simply like to breed their dog. The definition of “Dog breeder,” as stated in Section 1 of the Definitions makes it illegal for someone to sell/find homes for 25 or more puppies within a year, without being a licensed breeder. Large litters would force someone who has 2-3 female dogs that gave birth to a litter each, within a one year period, to become a licensed breeder. This bill would allow “unannounced inspection by the director or director’s designee during regular business hours.” This sentence appears to be speaking of a breeder with kennels/a facility, not someone who breeds their pet for enjoyment of puppies and sharing those puppies with other families looking for a pet. Someone who raises puppies in their home...maybe a bedroom, bathroom or kitchen does not want, nor should they be subjected to anyone invading their privacy. What are “regular business hours” in a home?

I believe the laws on animal cruelty that are in place now (Animal Welfare Act of 1966 with amendments) should be enforced, rather than punish those who breed their pets. I also believe a set number is not what’s important, but proper care of an animal. A person/family/breeder may have many dogs and care for them responsibly. At the same time, someone may have 1 dog that they breed (or don’t breed) that they don’t care for properly. The concern should be quality of care, not quantity of animals. We should strengthen the laws already in place so that offenders can be prosecuted, not make it hard for families that want to breed their dog. This bill will not affect offenders, anyhow. I cannot imagine that they will fill out an application and allow access to their property. There will continue to be warrants needed to get onto the property of these offenders. Since they will not apply for a license, this bill is useless, other than to collect money and invade the privacy of those who are not commercial breeders. I hope that is not the intent of HB 185.

These definitions are troublesome:

- Dog Breeder  
Section 1 (1) could make anyone owning only 2-3 intact females, that give birth within one year, a breeder. They are a breeder even if they give them away! What if my dog has 12 puppies and I help 2 friends that have a total of 13 puppies find homes for their pups? That would make me a breeder...with only 1 dog! What about a pet store or any dog lover who sells/finds homes for more than 25 puppies in a year? Even someone who rescued 25 or more pups off of the street and found homes for them, they would be considered breeders according to this bill!. I can’t imagine this is the intent of this bill, yet that is how it reads.

- Department/Director  
Why is the Department of Commerce and Consumer Affairs implementing/enforcing animal cruelty laws? Is it to make money? Are they experts in animal care and abuse? This is confusing.
- License Required  
There doesn't seem to be any structure to licensing. What would the cost be? What would the inspection consist of and how often would it occur? And, why should someone who has 2-3 litters of puppies a year have to give up their right to privacy? What are normal business hours in a home?
- Section 4 – 9 and section 711  
This makes no sense. Not having a license to breed is not the same as animal cruelty. It is excessive to disallow someone from being around animals for 5 years because they did not obtain a license. Would we force someone to be homeless for 5 years because they did not get a building permit for a cement slab on their property? Are we concerned about licensing and money or animal cruelty? Something is not right here.

I would support HB 185, as an animal cruelty bill, were the breeder licensing verbiage removed. I cannot support it as it is now worded.

Thank you for reading my testimony.

Sincerely,

Debbie Baker

February 1, 2017

**Committee on Agriculture**

Rep. Richard P Creagan, Chair

Rep. Lynn DeCoite, Vice Chair

Committee Members

Ref: HB 185 Hearing date 2/3/17 at 8:30 AM

Dear Committee Members,

I am writing in opposition to HB 185 in its current form.

While I support any measure protecting the welfare of animals and strengthening animal cruelty laws and penalties, I do not believe imposing licensing requirements for Hawaii residents who decide to breed their dogs is a means to accomplish this.

In the past few years, we have seen countless measures introduced with the supposed intent of safeguarding the health of our animals, but have included such requirements as the sterilization of any dogs or cats sold or given away regardless of age, provisions for animal control officers to enter a person's home without a warrant, and a myriad of permitting, registration, and recordkeeping requirements for anyone breeding or selling a dog, and even banning the sale of dogs entirely.

The problem our state faces, as well as many other states, isn't that laws don't exist to remedy cases of animal cruelty, but rather with the enforcement of those laws. Requiring a license to breed which include an approval process, an initial inspection, subsequent un-announced inspections, fees and burdensome record keeping will not affect those engaged in acts of animal cruelty; these types of individuals simply won't register for a license.

Measures meant to protect our animals should be aimed at strengthening the ability for animal control officers to access properties where cruelty is suspected (when proper warrants are issued), and to take action against these offenders. These would be measures I can and will support. We have laws in place that address proper animal husbandry procedures and what is required for proper sustenance and housing of animals (Animal Welfare Act of 1966 with amendments) which can be better enforced with the help of measures focused on actual animal welfare rather than regulation and licensing.

Specific sections I am deeply concerned with included in this measure are:

- Dog Breeder  
Section 1 (1) is confusing to me as a layman. Should there be an "or" or an "and" between 1 (1) and 1 (2)? If not, then the definition of a "dog breeder" could mean anyone owning as few as 3 intact female dogs that are bred in 1 year. Large breed dogs are known for having 10-12 puppies in 1 litter. Should this person be required to obtain a license and be open to inspections? Even if the puppies are given or "gifted" away? This seems excessive.
- Department/Director  
I question why the Department of Commerce and Consumer Affairs would be tasked with implementation and enforcement of a measure directed at strengthening animal cruelty laws? This does not appear to be a consumer protection measure (or at least should not be).

- License Required

Do we not already require anyone owning a dog to obtain a license? If we require another license as a dog breeder, what would the costs be? There is a concern that the fee structure, the approval process, and the inspection element could be aimed at creating obstacles for dog breeders in general. In addition, how does this affect pet stores offering puppies for sale? Although they aren't breeders, would they be defined as one per this measure if placing more than 25 puppies in 1 year?

- Section 4 – 9 and section 711- (Pages 3-10)

This section gives entirely too much authority to the enforcement and penalty process where cruelty may not be present. Not having a license to breed does not constitute animal cruelty, and those guilty should not be treated as if it does. Prohibiting someone for owning or even being around animals for 5 years simply because they were not a registered breeder is, again, excessive. Too much of this measure seems directed at the consequences for not being licensed rather than for acts of animal cruelty.

I applaud any effort to protect the welfare of our pets, and I would support measures where that remains the focus. Remove the sections relating to licensing requirements and I would be able to support HB 185.

Thank you for the opportunity to submit this testimony.

Sincerely,

Ricky Baker



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 11:33 AM  
**To:** AGRtestimony  
**Cc:** alexispeters@gmail.com  
**Subject:** \*Submitted testimony for HB185 on Feb 3, 2017 08:30AM\*

**HB185**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Alexis Thomas       | Individual          | Support                   | No                        |

Comments:

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## AGRtestimony

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From: Jennifer Chiwa <bjcmd808@gmail.com>  
Sent: Wednesday, February 1, 2017 4:45 PM  
To: AGRtestimony  
Subject: Support HB 185 - House Agriculture Committee - 2/3/17 - 8:30 am

Aloha, Members of the House Committee on Agriculture -

Please support HB 185 which establishes a licensing requirement and regulations for dog breeders and, to my understanding, would strengthen penalties for abuse or abandonment of animals. This bill would be helpful to ensure humane treatment of dogs while in a breeding facility, and strengthening penalties, I hope, would serve as a deterrent. Mahalo.

Jennifer Chiwa

RE: HB 185

**LATE**

I oppose HB 185 as it is written. The language is very vague. A dog breeder by definition is as follows:

“A dog breeder is a person involved in the breeding of dogs. In reference to a specific litter, the breeder is the owner of the dam (female) at the time she is bred (mated with a male). A responsible breeder: Breeds to improve the breed, and has no more litters than necessary to do so.”

Other definitions include, “a person who breeds canines.”

This bill plans to change the very meaning of a dog breeder. To include anyone who sells, offers for sale, exchange, gift, transfer, or lease, via any means of communications ....twenty-five or more of the offspring of breeding female dogs in any one-year period and is engaged in the business of breeding intact female dogs.

Who’s offspring of breeding female dogs is the bill referring to? Is it to include rescues? Is it inclusive of only the one engaged in the business of breeding intact female dogs?

I understand and I am against animal cruelty of any type. This HB185 is so horribly vague, and changes the very meaning of an entity (dog breeder) that has existed for many centuries. To allow this bill to go forward by our legislators would be an embarrassment and deceiving.

Sincerely,

Cristina Rothwell



**LATE**

### **Testimony in Opposition of HB 185**

Rep. Richard Creagan, Rep. Lynn De Coite, and members of the House Agriculture committee:

The Pacific Pet Alliance is a Hawai'i non-profit organization that promotes responsible pet ownership through education and advocacy.

The Pacific Pet Alliance (PPA) respectfully requests that you **vote no on HB 185** for the following reasons:

- HB 185 does not distinguish between a large scale commercial breeder and any other type of dog breeder in this bill.
- Defining a dog breeder as one who offers for sale 25 or more offspring would mean the majority of large dog breeders would meet this threshold in 2 to 3 litters.
- The DCCA has already done an analysis and stated that licensing of dog breeders is not needed.
- The DCCA has already gone on record stating that they are not equipped to handle licensing of dog breeders.

Thank you for this opportunity to testify before you.

Lynn Muramaru  
Board Member  
Pacific Pet Alliance



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 9:49 PM  
**To:** AGRtestimony  
**Cc:** yvonneesteensontaylor@gmail.com  
**Subject:** Submitted testimony for HB185 on Feb 3, 2017 08:30AM



**HB185**

Submitted on: 2/2/2017

Testimony for AGR on Feb 3, 2017 08:30AM in Conference Room 312

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Yvonne       | Individual   | Support            | No                 |

Comments: Thank you for considering such an important step in helping our Hawaiian animals. It is disheartening to see so many dogs in our shelters or rescue groups that need homes. Lack of sterilizations as well as "backyard breeders" contribute greatly to the dog and cat overpopulation. While I think this measure is a good start, i think the verbiage should be tweaked. To start with, I think to have a quantity of 25 offspring is too inconsistent. Some breeds of dogs have large litters (labs, German Shepherds, PitBulls) and some have small litters (terriers, pomeranians). I think perhaps a quantity of litters, not offspring, might be a better way to address this. I also feel that have 20 and 30 intact dogs to be considered a breeder is far too many. That many dogs takes the business into the puppy mill level and not just a breeder. I think anyone possessing more than 5 intact males and 5 intact females should be considered a breeder. I still think that is too many but this would be a good start. Please continue to fight for our animals in Hawaii. Mahalo!

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