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GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
FINANCE**

**Wednesday, March 1, 2018  
2:30 PM  
State Capitol, Conference Room 308**

**In consideration of  
HOUSE BILL 2593, HOUSE DRAFT 1  
RELATING TO FERAL CATS**

House Bill 2593, House Draft 1 proposes to have an unspecified agency contract with a nonprofit animal rescue group to oversee caretakers of feral cats and would exempt those caretakers from state laws and county ordinances related to the feeding and confinement of cats. This measure would also establish a formal trap-sterilize-return process. **The Department of Land and Natural Resources (Department) strongly opposes this measure.**

Feral cats are a major threat to wildlife and humans in Hawaii. Hawaii's native species evolved over millions of years in an environment devoid of human-introduced predators, such as cats. This has resulted in an extremely high rate of endemism (i.e., native species found nowhere else in the world) and the evolution of species with characteristics that make them easy prey for cats, such as seabirds that nest on the ground or in burrows. Cats are a major predator of native wildlife in Hawaii, including federally listed species designated as "threatened" or "endangered." Cats have been documented preying on chicks and adults of Hawaiian coots, shearwaters, petrels, and other native birds. Today, 28% of all threatened and endangered species in the U.S. are located in Hawaii, and 78% of all U.S. species extinctions have occurred in Hawaii. Across the U.S., cats kill an estimated 2.4 billion birds per year. Reducing predation is a critical component of avoiding further declines in the populations of Hawaii's endemic species, for which state agencies and partners spend millions of dollars annually.

In addition to preying on native wildlife, cats pose a substantial health risk to humans and wildlife due to being the only known reproductive host of the toxoplasmosis parasite (*Toxoplasmosis gondii*). Toxoplasmosis reproduces in the feline digestive system, and a single cat can excrete 145 billion eggs per year in its feces. Once released into the environment, these

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HISTORIC PRESERVATION  
KAOHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

researchers Cheryl Lohr and Christopher Lepczyk found that TNR was less cost-effective than implementing a program of trapping and euthanasia.

The Department notes that the State of New York is currently being sued by the American Bird Conservancy for allowing feral cat colonies to be maintained in a state park containing a federally listed, threatened species of plover, as a violation of the Endangered Species Act (ESA). Should the State of Hawaii establish a formal TNR program at the Department of Health, or any other department, the State would similarly be exposed to liability under the ESA and Hawaii's own endangered species laws under Chapter 195D, Hawaii Revised Statutes, for contributing to the further decline of Hawaii's threatened and endangered wildlife.

The Department supports cat management options that combine humane treatment when possible with the ecological reality of mammalian predators existing on islands with threatened and endangered wildlife. Sociable cats should be adopted into homes wherever possible, and the Department is aware and supportive of options, such as cat sanctuaries or outdoor enclosures (called "catios") that allow cats to live outside of homes but remain separated from Hawaii's native wildlife. However, any realistic approach to the feral cat problem in Hawaii must include euthanasia for animals that cannot be placed into homes or sanctuaries. Implementing a TNR program would only increase the problems Hawaii faces from feral cats, while exposing the State to potential lawsuits under the ESA.

Thank you for the opportunity to comment on this measure.

eggs can infect other animals, including humans, both on land and in the ocean. Toxoplasmosis parasites create cysts in muscle and organ tissues and can cause inflammation of the heart, liver, and brain. In Hawaii, the National Oceanographic and Atmospheric Administration has recorded at least eight endangered Hawaiian monk seal deaths that are attributable to toxoplasmosis infection. Toxoplasmosis can also infect Hawaii's native birds, including the nene and the newly released alala. In humans, toxoplasmosis can impact the immune system and has been known to primarily impact pregnant women and unborn children. During pregnancy, this infection can result in severe damage to the unborn child, miscarriage, stillbirth, or substantial birth defects including enlargement or smallness of the head.

A study by University of Hawaii researchers Cheryl Lohr and Christopher Lepczyk found that 87% of Hawaii residents want to see a reduction in the number of feral cats in Hawaii, and that 78% want feral cats permanently removed where threatened and endangered species exist. Trap-neuter-return (referred to in this measure as trap-sterilize-return, but more commonly referred to as TNR), however, is not the solution.

The Department notes several statements in this measure that are contradicted by scientific evidence. Namely, the statement on page 2, line 10 is incorrect: TNR does not reduce colony populations over time. This has been shown many times across different studies that look at the outcomes of TNR practices, and is summarized in a 2009 review paper by Longcore et al. While some advocates for TNR claim that TNR is successful, the metric for "success" used by these advocates is the perceived wellness of the cats themselves, not the reduction of population size. In fact, studies have shown that TNR may lead to increasing population sizes as the presence of an established colony provides owners of unwanted pets with a location where they can abandon their pet with an assumption that someone else will care for their animal.

The only reductions in colony population size noted in the 2009 article by Longcore et al. came from colonies where removed cats were adopted into homes at very high rates. This contradicts another statement made in this measure, on page 1, line 3, that feral cats are impractical to place into adoptive homes. This has been achieved in other regions using aggressive adoption campaigns, for at least a subset of feral cats that are adoptable.

The Department also questions the statement on page 1, line 14, that when cats from a colony are euthanized, they leave a vacuum that is filled by other unsterilized cats entering a colony. This is followed by a statement on page 2, line 8, that when sterilized cats are returned to a colony, unsterilized cats are less likely to take their place. The Department is not aware of any research supporting this claim. Further, whether unsterilized cats from the surrounding environment enter into a colony or remain outside of the colony does not change the total number of feral cats on the landscape.

The Department also notes that the statement on page 2, line 1 may not be accurate, regarding the TNR as being "more humane than euthanization" and "less costly." People for the Ethical Treatment of Animals (PETA) opposes TNR as an inhumane method of feral cat management, as it prolongs the life of cats living on the landscape that are more likely to suffer from disease, injury, and malnourishment. With regard to cost, a 2013 study by University of Hawaii



**HB2593 HD1**  
RELATING TO FERAL CATS  
House Committee on Finance

March 1, 2018

2:30 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB2593 HD1, which would tie the state's and counties' hands in addressing the serious ecological and public health impacts of feral cats and cat colonies, that have proliferated throughout our islands.

**Uncontrolled cat populations have devastating effects on island ecosystems and native species.** Through food competition, disease transmission, predation, and displacement, cats have directly and indirectly contributed to the endangerment and extinction of dozens of native species; a 2011 study concluded that, on island ecosystems throughout the world, "feral cats preyed on at least 175 endangered vertebrates (25 reptiles, 123 birds and 27 mammals) and are at least in part responsible for 14% of global bird, mammal and reptile extinctions, currently affecting 8% of critically endangered birds, mammals and reptiles."<sup>1</sup> Native birds appear particularly sensitive to cat introductions: for example, in the Phoenix Islands, the threatened bristle-thighed curlew can no longer be found on islands with feral cat populations; in Tuamotu, feral cats compete with the endemic and critically endangered Tuamotu kingfisher; on Kerguelen Island, the reproductive success of the native skua has greatly decreased as a result of competition with feral cats; on Ascension Island, feral cats limit settlements and often kill sooty terns, masked boobies, and frigates; and in Port Cros island in the Mediterranean, cats are responsible for the high mortality rates of young Yelkouan shearwaters.<sup>2</sup>

**The Hawaiian archipelago is no exception to the long list of islands whose ecosystems have been impacted by cat introductions.** As early as 1903, an ornithologist reported how "on Lāna'i, in walking up a single ravine, I counted the remains of no less than 22 native birds killed by cats."<sup>3</sup> Unfortunately, feral cat predation on Hawai'i's threatened and endangered bird species continues to this day: between 2012 and 2015, the Kaua'i National Wildlife Refuge attributed the deaths of 237 endangered waterbirds to feral cats alone; in addition, feral cats have also been documented predating on Newell's

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<sup>1</sup> Medina, et. al., *A Global Review of the Impacts of Invasive Cats on Island Endangered Vertebrates*, GLOBAL CHANGE BIOLOGY, 2011, at 3509 (emphasis added); see also Medina, et. al., *Underlying Impacts of Invasive Cats on Islands: Not Only a Question of Predation*, BIODIVERSITY CONSERVATION, 2014, at 328.

<sup>2</sup> Medina, et. al., *Underlying Impacts of Invasive Cats on Islands: Not Only a Question of Predation*, BIODIVERSITY CONSERVATION, 2014, at 327-338.

<sup>3</sup> Kim Steutrmann Rogers, *Feral Cats are a Serious Threat to Hawai'i's Endangered Birds, Monk Seals and Dolphins*, HONOLULU MAGAZINE, Oct. 12, 2016.

shearwaters, wedge-tailed shearwaters, the O‘ahu elepaio, ‘alae ‘ula, and Hawaiian petrels, among others. **In one recent case on Kaua‘i, a single feral cat has been estimated to have killed at least 101 endangered birds over a six month period.** In addition to depredation and associated displacement from critical habitat, forensic evidence now suggests that cats may also impact a range of endangered native species through the transmission of fatal diseases, such as cat-borne toxoplasmosis;<sup>4</sup> dead specimens of critically endangered ‘alala and ‘Īlio-holoikauaua, as well as nai‘a, have recently been found to have been infected by this disease.<sup>5</sup> **Without proactive and timely controls over our ever-increasing feral cat population – estimated in 2012 to number 300,000 on O‘ahu alone – many such culturally significant native species face devastation and even potential extinction in the near future.**

**The failure to address feral cat populations in a timely manner may also pose a particular threat to Native Hawaiians and others who frequently recreate in and subsist from nearshore waters, or who consume produce grown in areas that may be frequented by feral cats.** Toxoplasmosis infection, which results from the *Toxoplasma gondii* parasite that reproduces only in felid intestinal tracts, is considered extremely dangerous to pregnant woman and individuals with compromised immune systems.<sup>6</sup> Even in otherwise healthy individuals, toxoplasmosis infection has also been linked to higher rates of mental illness, including schizophrenia, depression, obsessive compulsive disorder, and brain cancer.<sup>7</sup> Toxoplasmosis can also significantly slow reaction times, with one study showing that infected individuals may be two and a half times more likely to be involved in a traffic accident.<sup>8</sup> **With the ability to survive for six months or more in soil or warm seawater,<sup>9</sup> toxoplasma oocytes shed by feral cat colonies may therefore pose a substantial health risk for those who swim in, eat from, or otherwise enter our nearshore waters, including Native Hawaiians in particular, as well as all those who consume produce from home gardens, community gardens, and commercial farming operations where feral cats may be present.**

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<sup>4</sup> Toxoplasmosis results from infection by *Toxoplasma gondii*, a parasite that reproduces only in the digestive tract of felid, and that spreads through consumption of oocytes or transmission by mosquitoes or other insects. Oocysts can remain infectious even after extended periods in harsh conditions, and can survive for more than a year in warm moist soil, up to a few years in cold water, and for six months or longer in seawater. D.S. Lindsay, et. al, *Sporulation and survival of Toxoplasma gondii oocysts in seawater*, 50 J. EUKARYOT MICROBIOL 687 (2003); Thierry M. Work, et. al., *Fatal toxoplasmosis in free-ranging endangered ‘alala from Hawaii*, 36 J. OF WILDLIFE DISEASES 205, 209 (2010); see also THE CENTER FOR FOOD SECURITY AND PUBLIC HEALTH AT IOWA STATE UNIVERSITY, TOXOPLASMA INFECTION 2 (2017), available at <http://www.cfsph.iastate.edu/Factsheets/pdfs/toxoplasmosis.pdf>.

<sup>5</sup> *Id.* at 210; Paul Kvinta, *Hawaii’s crazy war over zombie cats*, OUTSIDE MAGAZINE, October 28, 2016; Associated Press, *Dolphin found to have died from parasite found in cats*, HONOLULU STAR-ADVERTISER, May 4, 2016.

<sup>6</sup> Astrid M. Tenter, et. al. *Toxoplasma gondii: from animals to humans*, 30 INT. J. PARASITOL 1217 (2000);

<sup>7</sup> E. Fuller Torrey & Robert H. Yolken, *Toxoplasma gondii and Schizophrenia*, 9 EMERGING INFECTIOUS DISEASES 1375 (2003); Jaroslav Flegr, *Effects of Toxoplasma on human behavior*, 33 SCHIZOPHRENIA BULLETIN 757 (2007).

<sup>8</sup> *Id.*

<sup>9</sup> Lindsey, *supra* note 4.

By exempting cat “caretakers” from laws relating to the feeding and harboring of feral cats, and promoting the maintenance of cat colonies throughout the islands, this measure may tie the hands of the state and counties from addressing the substantial and growing threats that feral cats pose to our native wildlife and to public health. Notably, “trap-neuter-return” strategies such as that proposed in this measure do not provide any timely relief from the ecological and public health threats caused by feral cat populations. **Such strategies also have not been shown to successfully reduce cat populations, over the decades in which they have been explored; on the contrary, the visible maintenance of a feral cat colony has been shown to in some cases increase rates of cat abandonment, including cats that have not been sterilized.**<sup>10</sup> Accordingly, this measure may only exacerbate feral cats’ impacts on our native wildlife and communities, and severely inhibit our government’s ability to address the looming environmental and public health crisis that may be posed by feral cats.

Therefore, OHA respectfully urges the Committee to **HOLD** HB2593 HD1. Mahalo nui for the opportunity to testify on this measure.

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<sup>10</sup> Travis Longcore, et. al. *Critical Assessment of Claims Regarding Management of Feral Cats by Trap-Neuter-Return*, 23 CONSERVATION BIOLOGY 4, 887 (2009). Notably, Trap-Neuter-Release is also considered an inhumane approach for cats themselves, by organizations such as People for the Ethical Treatment of Animals. See PETA, Animal Rights Uncompromised: Feral Cats, <https://www.peta.org/about-peta/why-peta/feral-cats/> (last accessed February 8, 2018).



**THE HUMANE SOCIETY**  
OF THE UNITED STATES

**To:** Honorable Chair Luke, House Finance Committee members  
**In Support Of:** HB2593 HD1, with amendments  
**Date:** March 1, 2018 2:30 p.m.  
**Testimony By:** Keith Dane, Hawaii Policy Advisor, The Humane Society of the United States

On behalf of Hawaii members and supporters of The Humane Society of the United States, I appreciate the opportunity to submit this written testimony in support of HB2593 HD1, related to feral cats, with amendments.

The HSUS understands that managing community cats (free-roaming cats who may be feral or stray) is a complex issue that concerns many legislators and agencies mandated to serve and protect the public. The issue will not be solved by a single piece of legislation, however we believe that HB 2593 HD1, with the amendments offered, can assist in addressing Hawaii's free-roaming cat population.

The presence of free-roaming or community cats, both feral and stray, across Hawaii is nothing new. Where cat populations are present, the choice is between having a managed population that declines over time and having an unmanaged population that continues to reproduce, creating an unhealthy situation for cats, wildlife and people. Programs using lethal control are ineffective, waste scarce resources, and are unpopular. If this approach worked, then we would not be discussing the issue today. Alternatively, when trap-neuter-return-manage programs (TNRM programs) are implemented effectively, cat populations humanely decline and disease and wildlife predation issues decrease, stabilizing and eventually eliminating the problem. Such programs should be more widely practiced and should have broader support, particularly from agencies concerned with the negative impacts of free-roaming cats.

Yet time and again, policies put into place create barriers to effective TNRM and deter citizen engagement in addressing the issue. Unfortunately, efforts to combat invasive plant and wildlife species often acts counter to TNRM programs, rendering them less effective. Residents who are actively participating in humane population reduction programs such as TNRM, rather than cooperating, are driven underground in an effort to protect cats from the lethal management most often advanced by efforts to control and eradicate invasive species. Properly managed, TNR programs can work, are squarely in line with public opinion, and can tap into a willing volunteer workforce that represents hundreds of dedicated people.

HB 2593 HD1 affords these citizens certain protections for engaging in cat population management programs while following a set of best practices set forth in the bill. They register and provide certain cat colony data to an animal welfare organization that has a formal agreement with the Department of Health for such purposes. Recognizing the value of TNRM and the citizens who volunteer their time and money to provide a public service, the Hawaii Legislature has defeated efforts to ban the feeding of free-roaming cats repeatedly. Yet attempts to restrict problem-solving solutions on certain public lands are being made through rule making by government agencies, seemingly ignoring the fact that the public and policy makers have already made it clear that they do not agree with these changes. HB 2593 HD1 firmly establish the Legislature's position on the issue and the desire for humane resolution of free-roaming cat overpopulation.

We share common ground with conservationists and animal welfare advocates as our ultimate goal is no unowned, and many fewer owned, cats outdoors leading to much less risk to the cats themselves, no predation of birds and wildlife, the elimination of potential public health concerns and no nuisance-related

issues. Until the day when the population has been reduced and all cats live in loving homes, The HSUS supports and promotes humane management of outdoor cat populations.

The HSUS respectfully asks that you adopt the amendments, agreed upon by many cat welfare organizations across the state, and summarized here:

1. Change terminology to Free-Roaming cat to include any cat living outdoors that contributes to the population.
2. Expand the definition of “animal care and rescue group” to provide a larger pool of potential organization to contract with Department of Health and allows for more than one group to enter into a contract. This will facilitate implementation on the different islands.
3. Provide privacy protections for registered caregivers and cat colony locations. Without such protections many citizens will not participate, fearing exposing the locations of colonies will make the cats vulnerable to harm by those not in support of TNRM programs.
4. Create a process for reducing adverse impacts to wildlife that is more in line with the capacity of the contracted animal care and rescue organizations. The cat-wildlife conflict is a complex issue that extends beyond the scope of this particular bill.
5. Clarify that cat caregivers are upholding their responsibilities under this bill by making a good faith effort to comply. While a caregiver can continuously set traps in order to get the remaining cats in their colony sterilized, they can’t make the cat go in.
6. Removes the requirement that the ear tip is done on the left ear for males and the right ear for females. As long as a cat can be identified as sterilized by one tipped ear, the cat’s gender is irrelevant.
7. Change caregiver reporting requirement from monthly to annually to reduce the administrative burden on contracting organizations and encourage greater compliance among caregivers.
8. Insert a blank appropriation for the Department of Health to carry out their subcontract with non-profit animal care or rescue groups as this amount will be dependent upon the human (and cat) population of each county.

The amendments better align the legislation with nationally accepted best practices for TNR programs as well as remove unnecessary barriers to public participation. We feel these changes make this a stronger piece of legislation. While this is a complex issue, the task ahead is not impossible. Cats living outdoors are the current reality and we have a choice to actively manage the problem or not. We ask that you pass this bill with our recommended amendments, for the benefit of the cats, people and environment of Hawaii.

Keith Dane  
301-312-1489





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

SECTION 1. The Legislature finds that Free-Roaming cats are a diverse population that can include abandoned and lost pets, owned cats allowed outdoors, and the offspring of these cats. Feral a subset of this population, are unsocialized and unaccustomed to interacting with people. ~~feral cats are non-domesticated cats that typically live outdoors in colonies with other feral cats. The fact that feral cats have not been socialized to interact with humans makes it impractical to place them into adoptive homes. Feral cat colonies create numerous problems for the cats themselves, as well as for as the communities that find their presence to be a nuisance.~~

~~The legislature also finds that feral cats can reproduce at an alarming rate. It is estimated that one unspayed female cat and her unaltered offspring can produce more than four hundred thousand cats within seven years. Although counties may attempt to control the Free-Roaming feral-cat population by euthanizing feral cats, euthanasia does not address the problem of exponential increases in the cat population. When cats from a colony are euthanized, they leave a vacuum that is filled when other unsterilized cats enter the same colony and start reproducing.~~

The legislature further finds that the trap-sterilize-return-manage process is not only more humane than ~~euthanization~~ euthanasia, but less costly. In the trap-sterilize-return-manage process, Free-Roaming ~~feral~~ cats are caught in humane traps, sterilized so that they can no longer reproduce, microchipped and surgically ear-tipped or ear-notched on one ear so that they may be easily identified as sterilized. The management process includes ~~may also include removing fleas and vaccinating the cats and~~ regularly providing food and water, monitoring the cats, sterilizing any cats in the colony, removing any kittens or socialized cats for assessment and potential adoption, and providing care to ill or injured cats, including euthanasia if deemed necessary. When sterilized cats are returned to their colonies, unsterilized cats are less likely to take their place. Thus, with the trap-sterilize-return-manage process, coupled with identifying

and evaluating new arrivals for placement in homes, colony populations can reduce gradually over time through attrition and removal for adoption.

The purpose of this Act is to promote the humane treatment of ~~feral~~ Free-roaming cats by:

(1) Requiring the Hawaii State Department of Health to contract with a bona fide Hawaii registered 501 (c) (3) nonprofit animal care or rescue groups to assist ~~oversee caretakers~~ caregivers of Free-roaming feral cats in carrying out the trap-sterilize-return-manage process;

(2) Exempting registered ~~caretakers~~ caregivers of Free-roaming feral cats from Hawaii state and county laws statutes, ordinances, regulations, rules or other laws, whether promulgated by the Legislature, relevant County Council or other State or County government agency or entity, relating to the feeding and confinement of cats; provided that the ~~caretakers~~ caregivers are registered with ~~the~~ a contracted non-profit animal care or rescue group; and

(3) Establishing a Free-roaming feral-cat trap-sterilize-return-manage program and process.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## "CHAPTER

### Free-roaming FERAL-CATS

§ -1 **Definitions.** As used in this chapter, unless the context clearly requires otherwise:

"Animal care or rescue group" means a society or organization that:

(1) Is incorporated and in good standing as a nonprofit corporation pursuant to Hawaii Revised Statutes Chapter 414D;

(2) Is incorporated for the purpose of ~~providing shelter to animals,~~ promoting, advancing or otherwise facilitating animal welfare, preventing cruelty to animals, or a substantially similar purpose;

(3) Is recognized by the Internal Revenue Service as a tax exempt organization under section 501(c)(3) of the Internal Revenue Code.

~~"Caretaker Caregiver"~~ Caregiver means a person who ~~provides or attempts to~~ assists with the management of a Free-Roaming cat colony by sterilizing, providing food, water and care to one or more Free-Roaming feral cats within the State.

"Colony" means a group of Free-Roaming feral cats that congregate and live together at a location within the State.

"Contracted rescue group" means ~~the an animal care or~~ an animal care or rescue group that has entered into a contract with the Hawaii State Department of Health pursuant to this chapter.

"Department" means the Hawaii State Department of Health.

~~"Feral cat" means a cat that is not:~~

~~(1) Owned by any person, or has been abandoned by its owner; or~~

~~(2) Confined by any person to any real property.~~

"Registered ~~caretaker~~ caregiver" means a person who is registered as a ~~caretaker~~ caregiver pursuant to this chapter.

~~"Rescue group" means a society or organization that:~~

~~(1) Is incorporated and in good standing as a nonprofit corporation pursuant to chapter 414D;~~

~~(2) Is incorporated for the purpose of providing shelter to animals, promoting animal welfare, preventing cruelty to animals, or a substantially similar purpose;~~

~~(3) Euthanizes or arranges to euthanize an animal only after a licensed veterinarian has determined that:~~

~~— (A) The animal is suffering from an injury, terminal illness, or other health problem that severely affects the animal's quality of life; and~~

~~— (B) Euthanization is necessary to alleviate the animal's suffering; and~~

~~— (3) Is recognized by the Internal Revenue Service as a tax exempt organization under section 501(c)(3) of the Internal Revenue Code.~~

"Trap-sterilize-return-manage process" means a process that includes humanely capturing a Free-Roaming feral cat, arranging for its sterilization, complying with other applicable standards set forth in this chapter, and subsequently releasing the cat back to its original location if appropriate.

**§ -2 Contracted rescue group responsibilities.** By January 1, , the Department shall contract with ~~a~~ animal care or rescue groups to:

(1) Register ~~caretakers~~ caregivers of Free-Roaming feral cats;

(2) Maintain records of the names and contact information of registered ~~caretakers~~ caregivers and the location of colonies managed by registered caregivers;

(3) Submit an annual report to the Department that includes, ~~at a minimum~~:

(A) The number of registered ~~caretakers~~ caregivers;

(B) The number of Free-Roaming feral cats captured by registered ~~caretakers~~ caregivers and their dispositions;

(C) The ~~location of each known colony~~ number of known colonies managed by registered caregivers;

(D) ~~An estimate of~~ The number of Free-Roaming feral cats in each known colony and the number that have been sterilized;

(4) Instruct and provide informational materials to each registered ~~caretaker~~ caregiver regarding the care of Free-Roaming feral-cats and the trap-sterilize-return-manage process;

(5) Distribute humane ~~feral~~-cat traps to registered ~~caretakers~~ caregivers at no cost or at a reasonable cost;

(6) ~~Monitor~~ Make reasonable efforts to monitor registered ~~caretakers'~~ caregivers' compliance with this chapter and any rules adopted under this chapter;

(7) Revoke the registration of any ~~caretaker~~ caregiver who is known to fails to comply with this chapter or any rules adopted under this chapter; and

(8) Develop and distribute information and plan events to educate the general public on the care of Free-Roaming feral-cats and the trap-sterilize-return-manage process.

(9) Make reasonable efforts to mediate and resolve concerns regarding the presence of a known colony managed by a registered caregiver on or immediately adjacent to property managed by a federal, state or county agency for the primary purpose of protection of wildlife. Such concerns must be addressed directly and in writing to the contracted rescue group by the relevant agency. Reasonable steps to reduce any adverse impacts to wildlife shall be considered by the contracted rescue group.

(b) With the exception of information submitted in the annual report to the Department, all other information, materials and data collected and held by a contracted rescue group pursuant to this chapter shall be considered confidential and exempt from the disclosure provisions of Hawaii Revised Statutes, Chapter 92F (Uniform Information Practices Act [UIPA]), to the extent UIPA applies, if at all, as well as from any other applicable statutes, ordinances or regulations concerning disclosure of government-held information. This exemption, to the extent UIPA and any other open records laws apply, if at all, is required to avoid the frustration of a legitimate government function.

**§ -3 Registered ~~caretaker~~ caregiver ~~privileges exemptions~~.** Notwithstanding any other law to the contrary, a registered ~~caretaker~~ caregiver shall be exempt from any ~~state law or county ordinance~~ State or County statute, ordinance, regulation, rule or other law that:

(1) ~~Prohibits or requires a permit for~~ the feeding or care of stray animals or requires a permit to do so;

(2) Mandates the confinement of cats; or

(3) Limits the number of animals that a person may own, harbor, or have custody of;

provided that this section shall not be construed to limit the enforcement of any law or ordinance requiring the sterilization of cats or prohibiting cruelty to animals, ~~if enforcement is not solely based on the fact that~~ Enforcement of any law or ordinance prohibiting cruelty to animals may not be based solely on the registered ~~caretaker~~ caregiver is feeding or otherwise caring for Free-Roaming feral cats in a public or private location.

**§ -4 Registered ~~caretaker~~ caregiver ~~responsibilities; trap-sterilize-return-manage process~~.** (a) A registered ~~caretaker~~ caregiver who elects to participate in the trap-sterilize-return-manage process shall:

(1) Provide the contracted animal rescue group on an annual basis their name and contact information, the location of each known colony under their care, the number of Free-roaming Cats captured by registered caregivers and their dispositions by colony, the number of Free-roaming Cats in each known colony and the number in each known colony that have been sterilized.

(2) Make reasonable efforts to ensure all Free-roaming Cats under the caregiver's care are sterilized, microchipped and ear tipped or notched. Cats that were sterilized prior to registration of the caregiver and are not microchipped or ear tipped or notched are exempt from the requirement of microchipping and ear tipping or notching.

(3) Make reasonable efforts to remove socialized kittens and socialized cats for adoptive placement.

(4) Make reasonable efforts to provide veterinary medical care for animals suffering from illness or injury.

~~Use humane cat traps that, when in good working order and used properly, do not cause harm to cats;~~

~~—(2) Not leave a set cat trap unattended for more than four hours;~~

~~—(3) Not leave a cat trap unattended for more than a reasonable time if the caretaker knows that the cat trap contains a cat;~~

~~—(4) Have each captured feral cat sterilized by a licensed veterinarian;~~

~~—(5) Have the left ear of each captured male feral cat tipped or notched;~~

~~—(6) Have the right ear of each captured female feral cat tipped or notched;~~

~~—(7) Have each captured feral cat examined and treated for flea infestation; and~~

~~—— (B) Vaccinated from communicable diseases;~~

~~—(8) After following the procedures in paragraphs (4) through (7), as applicable, return the cat to the location where the caretaker initially captured the cat; and~~

~~—(9) Maintain a log of the number of cats the caretaker has caused to complete the trap-sterilize return process, and submit a copy of the log to the contracted rescue group not less than once monthly;~~

~~provided that a caretaker shall not be required to comply with paragraphs (5) through (7) if compliance is cost prohibitive.~~

(5) A registered caretaker shall be exempt from any requirement of subsection ~~(a)~~4 if the requirement would adversely affect the health of a ~~feral~~ cat or if a licensed veterinarian determines that a ~~feral~~ cat should be euthanized because:

(1A) The animal is suffering from an injury, illness, or other health problem that severely affects the animal's quality of life; and

(2B) ~~Euthanization~~ Euthanasia is necessary to alleviate the animal's suffering.

(e6) A registered caretaker shall comply with:

(1a) This chapter and rules adopted under this chapter; and

(2b) All State laws and County ordinances that prohibit cruelty to animals.

§ -5 **Rules.** Not later than January 1, , the Department shall adopt rules, pursuant to chapter 91, necessary for the purposes of this chapter."

§ -6 **Appropriation.** The sum of \$ \_\_\_\_\_ shall be appropriated to the Department to establish and carry out the purposes of this chapter for two (2) years from the effective date of this measure.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_