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## A BILL FOR AN ACT

RELATING TO VETERINARY MEDICINE.

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

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

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

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

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



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1           that the owner and the owner's employees shall not  
2           perform any surgical procedures, including surgical  
3           birth, ear cropping, tail docking, or debarking;

4           (3) Any student enrolled in any veterinary school or  
5           college or any employee of a veterinarian from working  
6           under the direct supervision of a veterinarian;

7           (4) Any person from practicing veterinary medicine in the  
8           employ of the United States government while engaged  
9           in the performance of the person's official duties;

10          (5) Any person licensed to practice veterinary medicine in  
11          any state, or any certified scientist or professional  
12          in animal care, from practicing in this State when in  
13          actual consultation with or under the sponsorship of  
14          veterinarians of this State; provided that the person  
15          licensed from another state, or the certified  
16          scientist or professional in animal care, shall not  
17          open an office, or appoint a place to meet patients,  
18          or receive calls within the limits of the State;

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



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

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

8           "~~+~~§471-15~~+~~ **Criminal penalties.** ~~Any~~ (a) Except as  
9           provided in subsection (b), any person convicted of violating  
10          section 471-2 shall ~~have committed~~ be guilty of a misdemeanor  
11          and shall be subject to a fine not to exceed \$500 ~~or~~,  
12          imprisoned not more than six months, or both.

13          ~~[Additionally,]~~ (b) Any person convicted of violating  
14          section 471-2 and who, in the course of that violation,  
15          intentionally or knowingly performs any surgical procedure,  
16          including surgical birth, ear cropping, tail docking, or  
17          debarking, on a pet animal shall be guilty of a class C felony.  
18          For purposes of this subsection, "pet animal" shall have the  
19          same meaning as in section 711-1100.

20          (c) In addition to the penalties provided in subsections  
21          (a) and (b), all tools, implements, appliances, medicine, and



1 drugs used in the practice of veterinary medicine by any person  
2 convicted of practicing veterinary medicine without a license  
3 shall be declared forfeited to the State by the court and turned  
4 over to the board for disposition as it may choose to make."

5 SECTION 3. Section 711-1108.5, Hawaii Revised Statutes, is  
6 amended by amending subsection (2) to read as follows:

7 "(2) Subsection (1)(a) shall not apply to:

8 (a) Accepted veterinary practices[+] performed by a  
9 veterinarian licensed under chapter 471;

10 (b) Activities carried on for scientific research governed  
11 by standards of accepted educational or medicinal  
12 practices; [~~or~~] and

13 (c) Cropping or docking as customarily practiced[+] and  
14 performed by a veterinarian licensed under chapter  
15 471."

16 SECTION 4. Section 711-1109, Hawaii Revised Statutes, is  
17 amended by amending subsections (1) and (2) to read as follows:

18 "(1) A person commits the offense of cruelty to animals in  
19 the second degree if the person intentionally, knowingly, or  
20 recklessly:



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- 1 (a) Overdrives, overloads, tortures, torments, beats,  
2 causes substantial bodily injury to, or starves any  
3 animal, or causes the overdriving, overloading,  
4 torture, torment, beating, or starving of any animal;
- 5 (b) Deprives a pet animal of necessary sustenance or  
6 causes such deprivation;
- 7 (c) Mutilates, poisons, or kills without need any animal  
8 other than insects, vermin, or other pests; provided  
9 that the handling or extermination of any insect,  
10 vermin, or other pest is conducted in accordance with  
11 standard and acceptable pest control practices and all  
12 applicable laws and regulations;
- 13 (d) Keeps, uses, or in any way is connected with or  
14 interested in the management of, or receives money for  
15 the admission of any person to, any place kept or used  
16 for the purpose of fighting or baiting any bull, bear,  
17 cock, or other animal, and includes every person who  
18 encourages, aids, or assists therein, or who permits  
19 or suffers any place to be so kept or used;



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1 (e) Carries or causes to be carried, in or upon any  
2 vehicle or other conveyance, any animal in a cruel or  
3 inhumane manner;

4 (f) Confines or causes to be confined, in a kennel or  
5 cage, any pet animal in a cruel or inhumane manner;

6 (g) Tethers, fastens, ties, or restrains a dog to a  
7 doghouse, tree, fence, or any other stationary object  
8 by means of a choke collar, pinch collar, or prong  
9 collar; provided that a person is not prohibited from  
10 using such restraints when walking a dog with a hand-  
11 held leash or while a dog is engaged in a supervised  
12 activity; [~~or~~]

13 (h) Uses a castration rubber band to neuter a dog, cat, or  
14 other pet animal; or

15 [~~(h)~~] (i) Assists another in the commission of any act  
16 specified in subsections (1)(a) through [~~(1)(g)~~].  
17 (1)(h).

18 (2) Subsection (1)(a), (b), (c), (e), (f), (g), [~~and~~] (h),  
19 and (i) shall not apply to:

20 (a) Accepted veterinary practices;



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1 (b) Activities carried on for scientific research governed  
 2 by standards of accepted educational or medicinal  
 3 practices; or

4 (c) Pest control operations conducted pursuant to chapter  
 5 149A by a pest control operator licensed pursuant to  
 6 chapter 460J, if the pest control is performed under a  
 7 written contract."

8 SECTION 5. This Act does not affect rights and duties that  
 9 matured, penalties that were incurred, and proceedings that were  
 10 begun before its effective date.

11 SECTION 6. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: *T. Stahl*

JAN 21 2020



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**Report Title:**

Veterinary Medicine; Animal Cruelty; Criminal Penalties

**Description:**

Prohibit an animal's owner, and the owner's employees, from performing any surgical procedure, including surgical birth, ear cropping, tail docking, or debarking, without being licensed as a veterinarian. Makes it a class C felony to intentionally or knowingly perform any surgical procedure, including surgical birth, ear cropping, tail docking, or debarking, on a pet animal by any person who is not licensed as a veterinarian. Specifies that accepted veterinary practices and cropping or docking as customarily practiced shall not be considered cruelty to animals in the first degree if performed by a licensed veterinarian. Adds the use of castration bands to neuter pet animals to the offense of cruelty to animals in the second degree.

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

