

**Testimony of the Hawaii Board of Veterinary Medicine**

**Before the  
Senate Committee on Commerce, Consumer Protection, and Health  
Thursday, February 13, 2020  
9:30 a.m.  
State Capitol, Conference Room 229**

**On the following measure:  
S.B. 2985, RELATING TO VETERINARIANS**

Chair Baker and Members of the Committee:

My name is Gregory Zambrano, and I am the Executive Officer of the Hawaii Board of Veterinary Medicine (Board). The Board supports this bill.

The purposes of this bill are to amend Hawaii Revised Statutes chapter 471 to: (1) provide veterinarians who provide emergency care to an animal immunity from civil liability in the absence of gross negligence; (2) provide veterinarians who render emergency treatment, when there is no veterinarian-client-patient relationship, immunity from civil liability in the absence of gross negligence; (3) require veterinarians to report to law enforcement events of animal injury, death, or abuse where there is reasonable cause to believe the event relates to dog fighting or animal abuse; and (4) give veterinarians immunity for civil liability for making these reports.

At its meeting on February 6, 2020, the Board discussed this bill and agreed that it would effectuate the protection of animals. The protections afforded for emergency care will benefit both veterinarians and the public. In addition, the Board noted that while it has some concerns that the reporting requirement will affect confidentiality between the veterinarian and the client, the overriding concern of protecting animals and the public will be served, based on correlations between animal abuse and domestic abuse accepted in the profession.

Lastly, the Board respectfully requests that this bill take effect upon approval.

Thank you for the opportunity to testify on this bill.



## Hawaiian Humane Society

People for animals. Animals for people.

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

Date: Feb. 10, 2020

To: Chair Senator Rosalyn Baker  
Vice Chair Senator Stanley Chang  
and Members of the Committee on Commerce, Consumer Protection  
and Health

Submitted By: Stephanie Kendrick, Public Policy Advocate  
Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 2985: Relating to Veterinarians  
Thursday, Feb. 13, 2020, 9:30 a.m., Capitol Room 229

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Aloha Chair Baker, Vice Chair Chang and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for Senate Bill 2985, which provides veterinarians who provide emergency care to an animal with immunity from civil liability; provides veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship with immunity from civil liability; and requires veterinarians to report to law enforcement events of animal injury, death, or abuse where there is reasonable cause to believe that it relates to dog fighting or animal abuse.

Veterinarians are compassionate people who invest an enormous amount of time and financial resources to obtain and retain the credentials that allow them to help our animals. They should not have to risk their livelihood to help animals in need. This bill will allow veterinarians to use their skills and expertise to render emergency aid to animals without the fear of civil liability as long as that aid is rendered in good faith and absent signs of gross negligence.

In addition, as the agency deputized to help enforce animal laws on Oahu, Hawaiian Humane strongly supports mandatory reporting of suspected animal cruelty. Veterinarians should not have to fear retaliation for doing the right thing. Animal cruelty is an underreported crime and compelling veterinarians to report suspected abuse in return for protection from civil liability will give law enforcement expert eyes and ears on the frontlines of animal care.

Ample research stretching back decades has established links between violence against animals and the abuse of people - especially children, domestic partners and elders.

- In one study of families under investigation for child abuse, co-occurrence of animal abuse ranged from 60% to 88%. These families utilized veterinary services at rates similar to non-abusive households. (Deviney, Dickert, & Lockwood, 1983).
- An Australian study reported that in 23% of cases where veterinarians suspected animal abuse, other forms of family violence were either known or suspected. (Gullone & Clarke, 2005).
- The public is more likely to report suspected animal abuse to their veterinarian than to the humane society or law enforcement agency. (Enns, 2006)

Mandatory reporting will help to protect our entire community.

Many jurisdictions around the country have laws similar to this bill. Its provisions are logical and will help to protect Hawaii's most vulnerable animals and people.

We urge the committee to pass SB 2985. Mahalo for your consideration.



**HAWAII VETERINARY MEDICAL ASSOCIATION**  
**P.O. Box 61309, Honolulu, Hawaii 96839-1309**

February 11, 2020

Committee on Commerce, Consumer Protection, and Health  
Senator Rosalyn H. Baker, Chair  
Senator Stanley Chang, Vice Chair

RE: SB 2985, Relating to Veterinarians

Dear Committee on Commerce, Consumer Protection, and Health,

On behalf of the Hawaii Veterinary Medical Association, I would like to express our support of SB 2985 and its amendments to the Veterinary Medicine Practice Act, HRS Chapter 471.

There are two components to this measure. The first establishes a Good Samaritan law for veterinarians who may without remuneration provide emergency medical care to an animal in need. The second establishes a process whereby animal abuse may be reported, in order to better protect that animal from future harm.

This measure encourages veterinarians to provide emergency care to critically sick or injured animals without fear of civil liability. Veterinarians are mandated to provide care under a valid and current veterinary-client-patient relationship (VCPR), so there can be confusion when dealing with an animal emergency when there is no owner present to establish a VCPR or if life-saving treatment needs to be provided before the establishment of a VCPR. This measure allows a veterinarian to be a "Good Samaritan" and provide emergency care outside of a valid VCPR, while also protecting the veterinarian when acting as a Good Samaritan in the time of an emergency to assist the animal in need.

We believe this measure also provides justified guidance to practicing veterinarians on reporting acts of animal abuse, cruelty, and staged fighting, similar to laws in 20 states including California, Oregon, Arizona, and Colorado. Reporting such events to law enforcement is beneficial to the community at large, as multiple studies have shown a link between perpetrators of animal abuse and human abuse such as child abuse, domestic violence, arson, and murder. When confronted with a clear case of animal abuse, veterinarians may feel conflicted between maintaining client confidentiality and wanting to protect the animal from further harm. In making animal abuse reporting a duty of the veterinarian, this measure relieves any responsibility of such judgment by the veterinarian

while protecting the veterinarian against any civil liability as a result of reporting such events.

Please SUPPORT SB 2985 to provide additional guidance and protections for veterinarians practicing in Hawaii. Thank you for the opportunity to submit testimony. Please contact me if I can answer any questions or be of further assistance on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jill Yoshicedo', with a wavy line extending to the right.

Jill Yoshicedo, DVM  
Executive Vice-President  
Hawaii Veterinary Medical Association

Date: Feb. 10, 2020

To: Chair Senator Rosalyn H. Baker  
Vice Chair Senator Stanley Chang  
and Members of the Committee on Commerce, Consumer Protection,  
and Health

Submitted By: Harold K. Han, Jr., Field Services, HPD Special Police Badge #2706  
Hawaiian Humane Society, 808-356-2211

RE: Testimony in support of SB 2985: Relating to Veterinarians  
Thursday Feb. 13, 2020, 9:30 a.m., Capitol room 229

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Aloha Chair Baker, Vice Chair Chang, and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support for House Bill 2528, which provides veterinarians who provide emergency care to an animal with immunity from civil liability; provides veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship with immunity from civil liability; and requires veterinarians to report to law enforcement events of animal injury, death, or abuse where there is reasonable cause to believe that it relates to dog fighting or animal abuse.

Veterinarians and their teams play a critical role in serving our community and animals. In many cases they are “front-line” reporters and witnesses in suspected animal cruelty cases. In most cases they are the voice for animals that cannot speak for themselves.

**Case in Point: Tulip, A Six (6) pound-four (4) year old Yorkie/Silky Terrier**

In October of 2017 we received a report of suspected animal cruelty from veterinary staff at the Veterinary Emergency + Referral Center (VERC). This small dog had displayed a pattern of serious abuse for about 1-1/2 yrs. Fractured ribs, head trauma, fractured pelvis which led to a leg amputation and additional blunt force trauma in subsequent months. To this day Tulip requires on-going medical care. In addition, this same pet owner had lost four (4) other young dogs under suspicious circumstances, but in each case a different veterinarian was used and unreported.

After thorough investigation by this Officer and interviews with the owners, a suspect was identified and charged with animal cruelty. Steven Boos was convicted of animal cruelty in

October of 2018 and fled the State. An anonymous tip led us to Washington State and the State of Hawaii and Prosecutor's Office filed the necessary affidavits to obtain an extradition. Boos was caught trying to flee to Canada and extradited back to Hawaii in November of 2019. He is now serving a one (1) year prison sentence at OCCC.

Without VERC's help we would have not obtained justice for Tulip who now resides with a loving owner. Veterinarians should not have to fear retaliation for doing the right thing. Animal cruelty is an underreported crime and compelling veterinarians to report suspected abuse in return for protection from civil liability will give law enforcement expert eyes and ears on the frontlines of animal care.

Mandatory reporting will help to protect our entire community and fosters a culture of "see something-say something", which is crucial to community policing and safer neighborhoods.

I urge the committee to pass HB 2528. Mahalo for your consideration.

**LATE**

**SB-2985**

Submitted on: 2/12/2020 4:58:19 PM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen MacKinnon	Testifying for Maui Humane Society	Support	No

Comments:

To Whom It May Concern -

The Maui Humane Society is firmly in support of this bill. As a general practice, we are often the first staff on the scene of injured or neglected animals that may require emergency medical treatment. Too often we are unable to locate an owner before this critical treatment is needed. While our officers and medical staff will always render appropriate aid, it is important to reassure staff and the community that "Good Samaritan" care can be administered without fear of repercussions. We applaud this effort and encourage an affirmative vote to adopt this legislation.

Respectfully submitted,

Stephen MacKinnon, Chief Executive Officer

Maui Humane Society



**SB-2985**

Submitted on: 2/10/2020 5:02:11 PM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Support	Yes

Comments:

**SB-2985**

Submitted on: 2/11/2020 2:09:54 PM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Inga Gibson	Testifying for Animal Welfare Institute	Support	Yes

Comments:

Dear Honorable Chair Baker and CPH Committee Members:

**RE: STRONG SUPPORT FOR SB2985: Relating to Veterinarians**

Thirty-one states either mandate or encourage veterinarians to report animal abuse and provide vets with immunity from civil and/or criminal liability for good-faith reporting. The American Veterinary Medical Association (AVMA) has a very firm policy calling for such reporting and provides the following extensive resources to Veterinarians:

<https://ebusiness.avma.org/Files/ProductDownloads/AVMA%20Suspected%20Animal%20Cruelty.pdf>

Further, the Animal Welfare Institute is committed to providing support to Hawaii Veterinarians reporting suspected cruelty via the below information and resources:

<https://awionline.org/awi-quarterly/2016-fall/veterinarians-can-help-fight-against-animalabuse>

Thank you for your consideration and support of this bill.

Inga Gibson

Animal Welfare Institute

**LATE**

Testimony in SUPPORT of SB 2985

February 13, 2020

Sen. Baker, Sen. Chang and members of the Senate Committee on Commerce, Consumer Protection & Health:

The Pacific Pet Alliance is a Hawaii based non-profit that focuses on promoting animal welfare through education. Thank you for the opportunity to provide testimony in support of SB 2985.

The Pacific Pet Alliance agrees with the intent of this bill, to protect animals by granting veterinarians a “Good Samaritan” status. This change will encourage veterinarians to step forward to offer care by providing them with immunity from civil liabilities.

**The Pacific Pet Alliance respectfully requests that this committee pass this bill.**

Lynn Muramaru  
Board Member  
Pacific Pet Alliance



*improving the quality of lives of pets and their people.*

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Testimony by Alicia Maluafiti, Board President, Poi Dogs & Popoki  
In support of SB 2985 – Relating to Veterinarians  
Senate Committee on Consumer Protection and Health  
Thursday, February 13, 2020, 9:30 am, Room 229

Aloha Chair Baker and members of the Committee,

Poi Dogs & Popoki (PDP) is a nonprofit animal welfare organization with a mission to help people and their pets. We operate a mobile spay/neuter and wellness clinic on the island of Oahu and provide affordable services for pet owners and caregivers in rural and underserved communities.

We are in support of SB 2985. As a nonprofit clinic specifically tasked with aiding the indigent, PDP will ALWAYS provide care to an animal if we have the means to do so. And as a service provider to many people rescuing stray animals on the island, our focus is on providing care to the animal regardless of who brings it in.

The veterinary licensing law does NOT prevent or prohibit any person from gratuitously treating animals in case of emergency and PDP applies this principle regardless of the pet owner's ability to pay. "Emergency" is not defined so it is rightfully the judgement of the treating veterinarian to determine whether to proceed in providing necessary care that would typically address pain and suffering and/or concern for loss of life. PDP recently rescued two dogs and one of them began having seizures. We immediately provided medical care which cost \$350. The owners were subsequently found and gladly reimbursed PDP for the cost of that care. At no time were we concerned of possible litigation by the owner and in fact – the owner was grateful for our assistance. Fear of litigation is a poor reason to withhold care.

At Honolulu City Council hearings, we heard the Hawaiian Humane Society testify that they routinely withhold care under their erroneous interpretation of state law. One involved a dog hit by car in which both legs were broken. Another involved a cat with an infected eye. They testified that these were not "emergencies" and so they needed owner authorization before providing veterinary care. So they allowed the animals to suffer for the "9 days" of holding before they summarily euthanized them. And now they get to euthanize them in 5 days because of a bill that they introduced.

If passing this bill gives veterinarians peace of mind that they won't be sued by a pet owner for providing care to a pet, then it is a win for pet owners and the rescue community. And maybe the Hawaiian Humane Society will stop making excuses for withholding care from animals whose owners cannot be contacted. And maybe they should stop hiding behind the law to defend their euthanasia of treatable animals.

**LATE**

**From:** [Gail](#)  
**To:** [CPH Testimony](#)  
**Subject:** Testimony-Support SB2985  
**Date:** Tuesday, February 11, 2020 1:20:25 AM

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I support this bill which will allow veterinarians to treat abused animals without owners' consent as well as released from civil liability. Animal abuse is under reported and these animals have a right to a second chance of a better life.

Thank you!

Live life passionately - Laugh out loud - Love unconditionally  
Aloha,  
Gail McElrath  
Waikale, Hawaii  
808-282-0824

Live life passionately - Laugh out loud - Love unconditionally  
Aloha,  
Gail McElrath  
Kaimana Ventures, Ltd.  
808-282-0824  
[gail@kaimanaventures.com](mailto:gail@kaimanaventures.com)

**SB-2985**

Submitted on: 2/10/2020 11:38:19 AM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lois Crozer	Individual	Support	No

Comments:

people shouldn't be afraid to help when their heart is in the right place.

Chair Sen. Rosalyn H. Baker, Vice Chair Sen. Stanley Chang, and Members of the Committee on  
Commerce, Consumer Protection, and Health  
Testimony in SUPPORT of SB 2985: Relating to Veterinarians  
Thursday, February 13, 2020  
9:30 a.m., Conference Room 229

I am writing in strong support of SB 2985.

I have worked in animal shelters for more than 10 years. Prior to coming to the Hawaiian Humane Society, I worked at a large nationally regarded open-admissions animal shelter in Denver, CO. Part of the reason that I endorse this bill is that the veterinary immunity laws in the state of Colorado are in line with the ideas set forth in this bill.

When I first began veterinary school, I specifically remember an orientation session where my classmates and I were informed that as veterinarians in Colorado, we were legally obligated to report animal abuse, neglect, or cruelty. It surprised me at first but after consideration, I realized that by making animal abuse reporting mandatory, it protected veterinarians. It protected us because it made us immune to any sort of prosecution or retribution for the reporting.

I have decided to dedicate my life to protection of homeless, neglected, and abused animals. To be the voice for those animals who cannot speak for themselves. By passing this bill, we will improve not only the lives of the animals of Hawaii but also the veterinarians who care for animals in the State of Hawaii.

I urge the committee to pass SB 2985.

Thank you for your time and consideration,

Kasey Carter, MS, DVM  
Chief Veterinarian, Hawaiian Humane Society  
kcarter@hawaiianhumane.org

**SB-2985**

Submitted on: 2/11/2020 5:48:10 AM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
carole richelieu	Individual	Support	No

Comments:



**SB-2985**

Submitted on: 2/10/2020 9:12:18 PM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lynne matusow	Individual	Support	No

Comments:

It is important that veterinarians treat animals brought to them in need of immediate care, even if an owner is not available to consent to care, without fear of civil liability.

Animal cruelty is an underreported crime. Protecting veterinarians from reprisals and requiring them to report suspected abuse will give law enforcement expert eyes and ears on the frontlines of animal care.

lynne matusow

**SB-2985**

Submitted on: 2/10/2020 7:33:10 PM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ashley Wilcox	Individual	Support	No

Comments:

Please allow veterinarians to provide expert care when needed.

**SB-2985**

Submitted on: 2/10/2020 7:28:45 PM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dana Jenkins	Individual	Support	No

Comments:

**SB-2985**

Submitted on: 2/11/2020 10:59:18 AM

Testimony for CPH on 2/13/2020 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JOANNE PARKER	Individual	Support	No

Comments:

I support SB2985.

Please give our voiceless animal friends the chance for a better life.

Unfortunately abuse is becoming more common and not being reported. I have seen puppies and older dogs who's ears and tails have been mauled by in home surgeries. The possibility for infection and death are scary!

**From:** [Jennifer Chiwa](#)  
**To:** [CPH Testimony](#)  
**Subject:** Testimony in Support of SB 2985 for Hearing on 02-13-2020 at 9:30 am  
**Date:** Tuesday, February 11, 2020 7:19:58 AM

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Aloha Members of the Committee on Commerce, Consumer Protection and Health. I have lived on Oahu my whole life and currently reside in Makiki. Please support SB 2985. This bill would advance animal welfare by protecting veterinarians from civil liability: (1) after rendering emergency help to an animal even if the owner is not available to consent to this help and (2) after reporting suspected animal cruelty. To report suspected animal cruelty would also advance community welfare as the link between violence against animals and violence against people is well known.

Mahalo.

Jennifer Chiwa

**From:** [STEPHANIE MCLAUGHLIN](#)  
**To:** [CPH Testimony](#)  
**Subject:** Testimony in support of SB2985  
**Date:** Tuesday, February 11, 2020 9:08:36 AM

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Please support this bill. Thank you!

Stephanie McLaughlin  
95-310 Haakualiki Place  
Mililani, HI 96789  
808-3844764

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**Stephanie McLaughlin**

"Be the change you wish to see in the world."

**baker8 - Jessica**

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**From:** Selene <selene.eddie@gmail.com>  
**Sent:** Tuesday, February 11, 2020 11:16 AM  
**To:** CPH Testimony  
**Subject:** Testimony in support of SB 2985

I am writing in support of this bill.  
Thank you, Selene Mersereau

Sent from my iPhone