Testimony of the Hawaii Board of Veterinary Medicine

Before the
House Committee on Judiciary & Hawaiian Affairs
Tuesday, March 19, 2024
2:00 p.m.
Conference Room 325 and Videoconference

On the following measure: S.B. 2562, S.D. 3, RELATING TO VETERINARY MEDICINE

Chair Tarnas and Members of the Committee:

My name is Marcella Chock, and I am the Chairperson of the Hawaii Board of Veterinary Medicine (Board). The Board appreciates the intent of and offers comments on this bill.

The purposes of this bill are to: (1) prohibit individuals without a valid unrevoked license obtained from the Board, or operating under the direct supervision of the same, from performing any surgical procedure on any pet animal; (2) make performing any surgical procedure on any pet animal without a valid unrevoked license obtained from the Board, or operating under the direct supervision of the same, a class c felony; and (3) make cropping and docking offenses of cruelty to animals in the first degree.

The Board recognizes that surgical procedures require the proper training, knowledge of anatomy, and the ability to prescribe proper pain management therapeutics, which most individuals would not have received nor be able to access. The Board suggests that section (b) on line 16, page 3, be changed from "direct supervision" to "supervision," as individuals holding courtesy or relief permits from the Board may be under either direct or indirect supervision of a licensed veterinarian.

The Board suggests that page 3, line 21, subsection (b)(3) Tail docking, either be removed in its entirety or amended to read: <u>Tail docking or amputation of adult dogs</u>;. The Board makes this recommendation as it does not appear that complications appear in the tail docking of neo-natal puppies by owners. If subsection (b)(3) is not removed from the list on page 3, line 21, the Board recommends that page 5, line 6, not be stricken and instead be changed to read, "(c) Cropping or docking as customarily practiced <u>in livestock management</u>."

Testimony of the Hawaii Board of Veterinary Medicine S.B. 2562, S.D. 3 Page 2 of 2

The Board also recommends that the penalties listed on page 4, line 10, be updated to be commensurate with chapter 706, Hawaii Revised Statutes (HRS), as both the maximum fine of \$500 listed and the length of imprisonment listed are significantly under the maximum amounts of \$1000 and one year allowed by chapter 706, HRS.

Thank you for the opportunity to testify on this bill.

JOSH GREEN, M.D. Governor

> SYLVIA LUKE Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDADeputy to the Chairperson

State of Hawai'i DEPARTMENT OF AGRICULTURE KA 'OIHANA MAHI'AI

1428 South King Street Honolulu, Hawai'i 96814-2512 Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

MARCH 19, 2024 2:00 PM CONFERENCE ROOM 325

SENATE BILL NO. 2562 SD3 RELATING TO VETERINARY MEDICINE

Chair Tarnas, Vice Chair Takayama and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 2562 SD3. SB2562 SD3 amends Hawaii Revised Statutes (HRS) sections 471-2, 471-15, and 711-1008.5. Section 471-2 adds language that "(b) No person without a valid unrevoked license obtained from the Hawaii board of veterinary medicine shall perform any surgical procedure on any pet animal as defined in 711-1100, including but not limited to: (1) A cesarean section; (2) Ear cropping; (3) Tail docking; (4)

Ventriculocordectomy, also known as devocalization or debarking; (5)

Onychectomy or dewclaw removal; or (6) Elastration or castration via banding."

Section 471-15 amendments add "(b) Any person convicted of violating section 471-2(b) shall have committed a class (C) felony." Language is added: "(c) In addition to the penalties provided in subsections (a) and (b" Lastly the measure, in Section 711-1108.5, HRS, deletes "(c) Cropping or docking as customarily practiced" as an exclusion from cruelty to animals in the first degree. The Department opposes SB2562 SD3 as written.



Under this measure, accepted practices in livestock management are considered illegal class C felonies. Therefore, the Department recommends "Cropping or docking as customarily practiced" should not be deleted in Section 711-1108.5 (page 5 line 6) as proposed in SB2562 SD3.

Thank you for the opportunity to testify on this measure.



2700 Waialae Avenue Honolulu, Hawaii 96826 808.356.2200 • HawaiianHumane.org

Date: March 15, 2024

To: Chair Rep. David A. Tarnas

Vice Chair Gregg Takayama

and Members of the Committee on Judiciary and Hawaiian Affairs

Submitted By: Stephanie Kendrick, Director of Community Engagement

Hawaiian Humane Society, 808-356-2217

RE: Testimony in support of SB 2562, SD3: Relating to Veterinary Medicine

Tuesday, March 19, 2024, 2 p.m., Room 325 and Via Videoconference

Aloha Chair Tarnas, Vice Chair Takayama and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our strong support for Senate Bill 2562, SD3, which prohibits individuals without a valid unrevoked license obtained from the Hawai'i Board of Veterinary Medicine, or operating under the direct supervision of the same, from performing any surgical procedure on any pet animal; makes performing any surgical procedure on any pet animal without a valid unrevoked license obtained from the Hawai'i Board of Veterinary Medicine, or operating under the direct supervision of the same, a class C felony; makes cropping and docking offenses of cruelty to animals in the first degree except when performed by a licensed veterinarian; and takes effect 4/14/2112.

This measure closes a loophole in the veterinary licensing statute that owners have used to operate on their own animals, or hire unqualified people to do so, resulting in animals being harmed by backyard surgeries ranging from ear-flap removal to cesarean sections.

The Hawaiian Humane Society opposes cosmetic surgery on animals, but we are pleased that this measure would at least require that such procedures must be performed by a licensed veterinarian. It is a good step.

Surgical birth certainly should never be performed by anyone but a licensed veterinarian.

Exxy, an approximately 3-year-old bulldog mix, was brought into our care with a large ventral abdominal hernia and sent out for specialized surgery. The Hawaiian Humane Society veterinarian who examined her and the veterinary surgeon who operated on her concurred that the injury was the result of a backyard cesarean section.

Exxy was lucky enough to survive the mutilation and get the care she needed, but it is safe to expect that many animals in similar situations die without ever making into the





Exxy before and after surgery for an abdominal hernia, suspected to be secondary to a backyard C-section. She also has very short, cropped ears, which are prone to infection and usually an indication of amateur surgery.

care of a shelter or veterinary clinic.

Many of these backyard surgeries are performed for profit-driven breeders who would rather make more money on the animals they sell than go to a licensed veterinarian for either necessary or cosmetic care. Allowing animals to be bred and sold for profit without regard for their welfare is sadly the norm in our state, but this is one harm we can prevent.

We urge the committee to pass SB 2562, SD3, with an amendment allowing it to take effect upon approval.

Mahalo for your consideration.



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

March 17, 2024

Committee on Judiciary and Hawaiian Affairs Representative David A. Tarnas, Chair Representative Gregg Takayama, Vice Chair

RE: SB2562, SD3, Relating to Veterinary Medicine

Dear Committee on Judiciary and Hawaiian Affairs,

The Hawaii Veterinary Medical Association and local veterinary community are in favor of the intent of this bill, which closes the loophole currently allowing non-veterinarian owners from performing surgical procedures on their own pets. Veterinarians have extensive training in surgery, anesthesia, anesthetic monitoring, asepsis, and pain management; their expertise allows them to perform surgical procedures humanely and safely. Unfortunately, it is not uncommon for local veterinarians to be asked to treat pets suffering from botched surgeries performed by non-veterinarians. We support ending the current legal practice of allowing pet owners and their employees from performing surgical procedures on their own pets.

While we support the intent of this bill, we oppose the language in SB2562, SD3. The creation of Section 1(b) for the surgery restriction does not address the pet owner exemption language in 1(a).

We request the surgery restriction placement changed to Section 1(a)(2) as in HB1527, HD1, as this would close the specific loophole of pet owners being allowed to perform surgery on their own pets.

We also request the following necessary changes to the bill to protect the legality of currently acceptable livestock animal husbandry practices performed by non-veterinarians in the state:

- 1. Add to Section 3(2):
 - "(2) Subsection (1)(a) shall not apply to:
 - (a) Accepted veterinary practices; or
 - (b) Activities carried on for scientific research governed by standards of accepted educational or medicinal practices; or
 - (c) Accepted livestock practices."

2. Correct definition of "pet animal" in Section 1(b) or section 711-1100 to align with that of the USDA Animal Welfare Act:

"For the purposes of this section, "pet animal" means any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits, hamsters, and birds."

Thank you for considering our testimony and recommendations for SB2562, SD3. With the above changes, the HVMA would be in favor of passing this bill. Please do not hesitate to contact us if we can be of further assistance.

On behalf of the Hawaii Veterinary Medical Association,

Jill Yoshicedo, DVM

Executive Vice-President

Hawaii Veterinary Medical Association

contact@hawaiivetmed.org



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS Rep. David A. Tarnas, Chair Rep. Gregg Takayama, Vice Chair

SB2562 SD3 RELATING TO VETERINARY MEDICINE

Tuesday, March 19, 2024 2:00 PM Conference Room 325 & Videoconference

Chair Tarnas, Vice Chair Takayama, and Members of the Committee,

The Hawaii Cattlemen's Council <u>offers comments on SB2562 SD3</u> which prohibits animal owners and their employees from performing any surgical procedures on the owner's dog or dogs.

The Hawaii Cattlemen's Council was not supportive of the earlier language in this Bill, which prohibited certain practices on all animals including livestock. Surgical castration, castration by elastrator, and tail docking are normal and necessary practices carried out by livestock producers. Hawaii's ranchers and other livestock producers routinely perform and are very capable of safely performing these procedures on their livestock and must be able to continue these normal husbandry practices. They follow universally acceptable husbandry practices, and the health and well-being of their livestock are of utmost importance. Taking away this ability and deeming it a Class C felony would put an undue burden on farmers and ranchers who are able to competently perform these procedures.

This bill is acceptable in this version's language since it states that it refers to "pet animal" so that the restrictions do not apply to livestock. Please ensure that the law remains clear that it is referring to pet animals only.

Thank you for the opportunity to testify on this matter. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase Hawaii Cattlemen's Council Managing Director











March 19, 2024 2pm

JHA Committee

RE: SUPPORT FOR SB2562 SD3; Relating to Veterinary Medicine

Dear Chair Tarnas and Judiciary & Hawaiian Affairs Committee Members,

The Animal Welfare Institute strongly supports SB2562; Relating to Veterinary Medicine.

This bill has long been needed to close a loophole in our first degree animal cruelty law that has shockingly exempted non-veterinarians from performing painful surgical procedures on animals, without access to pain medication, antibiotics to prevent infection and other critical pre and post-operative care that can only be provided under the supervision of a licensed veterinarian. While numerous countries and municipalities across the US completely prohibit ear cropping, tail docking, de-clawing and other procedures, this bill would still allow for such procedures if performed by a licensed veterinarian. Further, the American Veterinary Medical Association opposes ear cropping and tail docking of dogs when done solely for cosmetic purposes, as that remains the primary justification for such unnecessary procedures and thus, the AVMA also encourages the elimination of ear cropping and tail docking from breed standards.

Locally, there have been countless cases of painful "home/backyard" ear cropping and tail cutting incidents done with scissors or garden shears and male dog "castration" being performed using rubber bands, which painfully restricts blood flow to the animals testicles and can result in death. Further, cases demonstrate that these incidents aren't limited to a person doing this to their own animal, but performing these cruel and painful acts on animals belonging to others, falsely presenting themselves as veterinary medical experts and charging fees for these procedures.

Under existing law, if a person were to cut off or attempt to cut off any other part of an animal they would be rightfully charged with animal cruelty—whereas under current law there is no penalty for "customary" practices such as cropping or docking by any person. We ask the Committees to please pass this bill to ensure this gaping loophole is closed once and for all, that it is enforceable and holds those who victimize animals and their owners accountable.

Thank you for your consideration and we urge your strong support.

Inga Gibson

On behalf of the Animal Welfare Institute



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

March 18, 2024

Committee on Judiciary and Hawaiian Affairs Representative David A. Tarnas, Chair Representative Gregg Takayama, Vice Chair

RE: SB2562, SD3, Relating to Veterinary Medicine

Dear Committee on Judiciary and Hawaiian Affairs,

Please note this letter represents the revised testimony from the Hawaii Veterinary Medical Association (HVMA).

The Hawaii Veterinary Medical Association and local veterinary community are in favor of the intent of this bill, which closes the loophole currently allowing non-veterinarian owners from performing surgical procedures on their own pets. Veterinarians have extensive training in surgery, anesthesia, anesthetic monitoring, asepsis, and pain management; their expertise allows them to perform surgical procedures humanely and safely. Unfortunately, it is not uncommon for local veterinarians to be asked to treat pets suffering from botched surgeries performed by non-veterinarians. We support ending the current legal practice of allowing pet owners and their employees from performing surgical procedures on their own pets.

While we support the intent of this bill, we oppose the language in SB2562, SD3. The creation of Section 1(b) for the surgery restriction does not address the pet owner exemption language in 1(a). Please change the surgery restriction placement to Section 1(a)(2) as in HB1527, HD1, which reads:

- "(2) The owner of any animal or animals and the owner's full-time, regular employees from caring for and treating any animals belonging to the owner; provided that a person who is not licensed under this chapter shall not perform any surgical procedure on a pet animal, including but not limited to:
 - (A) Cesarean section;
 - (B) Ear cropping:
 - (C) Tail docking;
 - (D) Ventriculocordectomy, also known as devocalization or debarking:
 - (E) Onychectomy, also known as declawing or dewclaw removal; or
 - (F) Elastration, or castration via banding;"

We also request the following changes to Section 3(2) to protect the legality of currently acceptable livestock animal husbandry practices performed by non-veterinarians in the state:

Add to Section 3(2):

- "(2) Subsection (1)(a) shall not apply to:
- (a) Accepted veterinary practices;
- (b) Activities carried on for scientific research governed by standards of accepted educational or medicinal practices;
- (c) Cropping or docking as customarily practiced. Tail docking or dewclaw removal within 3 days of age; or
- (d) Accepted livestock practices."

Thank you for considering our testimony and recommendations for SB2562, SD3. With the above changes, the HVMA would be in favor of passing this bill. Please do not hesitate to contact us if we can be of further assistance.

On behalf of the Hawaii Veterinary Medical Association,

Jill Yoshicedo, DVM

Executive Vice-President

Hawaii Veterinary Medical Association

contact@hawaiivetmed.org

Submitted on: 3/17/2024 12:36:56 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marian Hussenbux	Animal Interfaith Alliance in Britain	Support	Written Testimony Only

Comments:

We refer to the House Committee on Judiciary and Hawaiian Affairs which will hear the Senate version of the non-veterinary surgery ban on Tuesday March 19.

SB2562 SD3 Relating to Veterinary Medicine closes loopholes in your current veterinary licensing and animal cruelty statutes that allow non-veterinarians to perform certain painful surgical procedures on companion animals, and raises penalties.

We understand that it has been a priority for animal welfare and the veterinary community for several sessions and fortunately it has advanced further than ever this year, despite some initial concerns by the ranching community. The bill was never intended to impede accepted farming and husbandry practices – we hope these are always humane - and that has been clarified in the current version of the bill.

This measure will protect companion animals from having to endure backyard surgeries that are performed in unsanitary conditions without anaesthetic - which is appalling.

We are in strong support of this bill.

<u>SB-2562-SD-3</u> Submitted on: 3/15/2024 4:03:19 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sandie Wong	Individual	Support	Written Testimony Only

Comments:

I support SB2562, SD3. Thank you.

<u>SB-2562-SD-3</u> Submitted on: 3/15/2024 6:41:54 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
joanna p milo	Individual	Support	Written Testimony Only

Comments:

I approve and stand by Sb2562

<u>SB-2562-SD-3</u> Submitted on: 3/15/2024 7:31:35 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Individual	Support	Written Testimony Only

Comments:

Aloha,

Thank you for hearing this bill, which I SUPPORT.

Respectfully,

Elizabeth Kent

<u>SB-2562-SD-3</u> Submitted on: 3/15/2024 9:58:54 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie McLaughlin	Individual	Support	Written Testimony Only

Comments:

Please support this important bill that will help animals in Hawaii suffering.

Submitted on: 3/16/2024 9:57:55 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Wood	Individual	Support	Written Testimony Only

Comments:

Hello, I ask you to please support <u>SB2562 SD3</u> Relating to Veterinary Medicine. This will help to lower the animal cruelty that is happening in backyard, unsafe surgeries, by people that are not qualified to medical care for animals. I've seen first hand as a volunteer at the Hawaiian Humane Society some of the tragic affects of backyard surgeries, including clipped ears that get infected, bumpy and enlarged, to the point that it damages the health and hearing of a dog. Often these types of surgeries are done without anesthetic, truly traumatising the animals with a form of torture. Please do your part to protect animals by passing this bill. THank you,

Jennifer Wood

Nuuanu

<u>SB-2562-SD-3</u> Submitted on: 3/16/2024 11:27:15 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane E Arnold	Individual	Support	Written Testimony Only

Comments:

Please support SB2562. Thank you!

Jane Arnold

1763 Iwi Way, Apt D

Honolulu HI 96816

Submitted on: 3/16/2024 3:33:07 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

This measure closes a loophole in the veterinary licensing statute that owners have used to operate on their own animals, or hire unqualified people to do so, resulting animals being harmed by backyard surgeries ranging from ear-flap removal to cesarean sections. I support the latest draft.

Please move this bill forward.

Submitted on: 3/16/2024 5:11:06 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melanie Kim	Individual	Support	Written Testimony Only

Comments:

Please support this bill to increase penalites for unlicensed individuals who perform surgical procedures on animals without the appropriate equipment or environment . So much harm , unecessary suffering and even death has rose from these practices. Please let Hawaii be 1 of those states who are above these barbaric practices.

Submitted on: 3/17/2024 8:09:09 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
JOHNNY KELLY	Individual	Support	Written Testimony Only

Comments:

People, you must pass this bill! We cannot allow self-proclaimed vets doing any surgery on our Island furbabies!

This is torture to the animals and anyone doing it MUST be arrested and spend at lease 5 years in jail.

Please stop the insanity!

Submitted on: 3/17/2024 2:36:47 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carole R. Richelieu	Individual	Support	Written Testimony Only

Comments:

Relating to Veterinary Medicine closes loopholes in our current veterinary licensing and animal cruelty statutes that allow non-veterinarians to perform certain painful surgical procedures on pet animals and raises penalties. This measure will protect pets from having to endure backyard surgeries that are performed in unsanitary conditions without anesthetic.

Hawaii Kai

<u>SB-2562-SD-3</u> Submitted on: 3/17/2024 6:25:36 PM Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Serena Stefanic-Phillip	Individual	Support	Written Testimony Only

Comments:

I support Bill SB2562

The House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair Representative Gregg Takayama, Vice Chair

SB2562 SD3, RELATING TO VETERINARY MEDICINE

- Tuesday, Mar. 19, 2024
- 2:00PM, State Capitol, House Conference Room 325 and via Videoconference

I support this important initiative.

Thank you for the opportunity to articulate my support for this critical bill. As a (rescue) pet owner and animal lover, I firmly support this effort to bring Hawaii's veterinary regulations into the 21st century. Surgical procedures for all of our animals must be handled by skilled, licensed veterinarians. It is unbelievable to me that any unskilled/unlicensed individual would risk harm, permanent injury, or worse to an animal by performing a surgical procedure in unsanitary conditions without anesthetic. We must take action, now, to support our defenseless animals.

The existing legal loophole MUST BE CLOSED by this legislative session. Please support our veterinarians, concerned citizens, and, most importantly, our animals by supporting this measure. I urge you to favorably consider this forward-looking legislation.

I support the position of the Hawaiian Humane Society on this Bill. Testimony/Anne Forshey/annejforshey@gmail.com/Ewa Beach, HI 96706

Submitted on: 3/17/2024 9:09:47 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Representative Tarnas, Vice Chair Representative Takayama and Members of the Committee on Judiciary.

Please support SB 2562 SD 3 which, to my understanding, will help protect pets from having to suffer from surgeries performed by unqualified people.

Mahalo.

Jennifer Chiwa

Makiki

Submitted on: 3/18/2024 11:56:57 AM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taurie Kinoshita	Individual	Support	Written Testimony Only

Comments:

To the Honorable Committee,

I am writing in strong support of SB2562 SD3.

This bill prevents animal cruelty by closing the loopholes in current veterinary licensing and prevents non-veternarians from performing painful surgical procedures that are dangerous and often end with the animal suffering cruelly. This bill does not impede accepted farming and husbandry practices.

Please pass this important bill and prevent cruelty.

Thank you for your consideration.

Sincerely,

Taurie Kinoshita

taurie@hawaii.edu

lifelong resident

<u>SB-2562-SD-3</u> Submitted on: 3/18/2024 12:45:39 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Natalie Graham-Wood	Individual	Support	Written Testimony Only

Comments:

I support SB2562 SD3. I live in Sunset Beach, Oahu.

Submitted on: 3/18/2024 3:41:13 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Olivia Zavodny	Individual	Support	Written Testimony Only

Comments:

In support of SB2562.

Submitted on: 3/18/2024 7:27:52 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bonnie Gollero	Individual	Support	Written Testimony Only

Comments:

I support this bill.