

ACT 293

H.B. NO. 3332

A Bill for an Act Relating to Agriculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature recognizes the importance of Hawaii's stringent animal quarantine law to safeguard and maintain the public's health, safety, and well-being. However, the legislature finds that individuals with physical handicaps who rely on utility dogs to assist them in their daily lives are discouraged and impeded from travelling out of the State as their dogs are subject to quarantine upon returning to the State. The legislature further finds that the department of agriculture is in the process of re-evaluating its present quarantine protocol requirements in light of a new serological test that is currently being evaluated. While the department of agriculture is doing so, the legislature believes that the governor should be granted the flexibility to make exceptions to the quarantine requirements for people with special needs so that travel to and from the State will not be unduly burdensome.

The purpose of this Act is to enable:

- (1) Guide dogs, service dogs, and signal dogs (collectively referred to as "utility dogs") to enter the State, subject to a thirty-day quarantine and other requirements as described in this Act, by executive order of the governor; and
- (2) Qualified utility dogs and their handicapped handlers to depart from and return to the State for travel to and from the continental United States or Alaska to obtain necessary medical treatment that is unavailable in the State for the handicapped handler.

This exemption from the existing quarantine requirements is intended as a temporary, one-year exemption until the department of agriculture concludes its evaluation of the State's quarantine requirements.

SECTION 2. The governor, by executive order, may instruct the department of agriculture to allow a utility dog to enter the State, subject to a thirty-day quarantine and the following requirements:

- (1) Two vaccinations with a monovalent inactivated rabies vaccine shall be administered to the utility dog by a veterinarian prior to entry into the State in the following manner:
 - (A) The first vaccination shall not be administered before the dog is three months of age; and
 - (B) The second or subsequent vaccinations shall not be administered less than six months following the first vaccination and not less than three months nor more than twelve months prior to the dog's entry into the State;
- (2) The owner of the utility dog shall obtain a health certificate endorsed by an accredited veterinarian. The name, lot number, and expiration date of the vaccine administered and the route of administration shall

appear on the health certificate. The health certificate shall be written in English;

- (3) Upon the request of the owner of the utility dog for an import permit number, the department of agriculture shall issue an official microchip to be implanted in the dog prior to its entry into the State. Prepayment of the cost of the microchip, including shipping and handling charges, shall be made by credit card or money order. It shall be the responsibility of the owner of the utility dog to have the microchip implanted by the veterinarian endorsing the health certificate and administering the rabies vaccinations. Only official microchips issued by the department of agriculture shall be recognized for the purposes of this section;
- (4) A pre-entry antibody test shall be conducted not less than three months nor more than twelve months prior to the utility dog's entry into the State using the Office of International Epizootics' fluorescent antibody virus neutralization test method. The serum shall contain at least 0.5 I.U./ml. rabies antibodies. Blood and serum samples shall be submitted to a laboratory approved by the department of agriculture for serological testing and retained for genetic testing for not less than four months after the entry of the dog into the State;
- (5) Upon entry into the State, the utility dog shall be detained by the department of agriculture and immediately tested for rabies antibodies using the Office of International Epizootics' fluorescent antibody virus neutralization test method. A utility dog with an antibody titer equal to or greater than 0.5 I.U./ml. shall be released from quarantine after thirty days. The owner of the utility dog shall be required to sign a release form allowing the department of agriculture to draw blood samples to conduct the antibody test and to use sedatives or anesthetics as required. Only one antibody test shall be conducted upon entry of the utility dog into the State and the results of the test shall be final and conclusive. Any utility dog not showing an adequate titer shall be quarantined for one hundred twenty days;
- (6) A utility dog released from quarantine after thirty days shall remain under provisional quarantine in its owner's custody and shall be presented for inspection to quarantine officials or a veterinarian approved by the department of agriculture not less than once every thirty days for the ninety-day time period following its release from quarantine facilities. The department of agriculture shall have the authority to quarantine any utility dog that upon inspection, displays signs and symptoms suggestive of rabies;
- (7) Inspections shall be on dates mutually agreed upon by the department of agriculture and the owner of the utility dog. Failure to present the utility dog within seven days of the agreed upon inspection date or the failure to notify the department of agriculture of the failure to present the utility dog for inspection may result in the quarantine of the utility dog for the remainder of the ninety-day time period;
- (8) The owner of a utility dog shall immediately notify the department of agriculture of any of the following that occurs within the ninety-day time period following the dog's release from quarantine facilities:
 - (A) The death of the utility dog and the cause of death;
 - (B) The change of residence address;
 - (C) The change of ownership of the utility dog;
 - (D) The escape of the utility dog; or
 - (E) The transport of the utility dog inter-island or out of State;

and

- (9) The utility dog shall be immediately submitted to the department of agriculture for rabies testing upon the death of the dog during the ninety-day time period;

provided that a qualified utility dog and its handicapped handler may depart from and return to the State for travel to and from the continental United States or Alaska to obtain necessary medical treatment that is unavailable in the State for the handicapped handler, and subject to the following requirements:

- (1) Two vaccinations with a monovalent inactivated rabies vaccine shall be administered to the qualified utility dog by a veterinarian prior to entry into the State in the following manner:
 - (A) The first vaccination shall not be administered before the dog is three months of age; and
 - (B) The second or subsequent vaccinations shall not be administered less than six months following the first vaccination and not less than three months nor more than twelve months prior to the dog's entry into the State;
- (2) The owner of the qualified utility dog shall obtain the following documents prior to the dog's entry into the State:
 - (A) Health certificate endorsed by an accredited veterinarian. The name, lot number, and expiration date of the vaccine administered and the route of administration shall appear on the health certificate. The health certificate shall be written in English; and
 - (B) Notarized statement from the handler's physician describing the nature of the handler's illness or injury and the necessary medical treatment that is being sought in the continental United States or Alaska. The statement shall include the name and address of the physician, and the name and address of the medical facility where the handicapped handler will be treated.
- (3) Upon the request of the owner of the qualified utility dog for an import permit number, the department of agriculture shall issue an official microchip to be implanted in the dog prior to its entry into the State. Prepayment of the cost of the microchip, including shipping and handling charges, shall be made by credit card or money order. It shall be the responsibility of the owner of the qualified utility dog to have the microchip implanted by the veterinarian endorsing the health certificate and administering the rabies vaccinations. Only official microchips issued by the department of agriculture shall be recognized for the purposes of this section;
- (4) A pre-entry antibody test shall be conducted not less than three months nor more than twelve months prior to the qualified utility dog's entry into the State using the Office of International Epizootics' fluorescent antibody virus neutralization test method. The serum shall contain at least 0.5 I.U./ml. rabies antibodies. Blood and serum samples shall be submitted to a laboratory approved by the department of agriculture for serological testing and retained for genetic testing for not less than four months after the entry of the dog into the State;
- (5) Upon entry into the State, the qualified utility dog shall be detained by the department of agriculture and immediately tested for rabies antibodies using the Office of International Epizootics' fluorescent antibody virus neutralization test method. A qualified utility dog with an antibody titer equal to or greater than 0.5 I.U./ml. shall be released from quarantine when the antibody test is adequately confirmed and the department of agriculture has determined that the dog is safe to be released into the community; provided that in no case shall a qualified

utility dog be subject to any length of stay beyond what is considered to be necessary in determining the validity of the test results. The owner of the qualified utility dog shall be required to sign a release form allowing the department of agriculture to draw blood samples to conduct the antibody test and to use sedatives or anesthetics as required. Only one antibody test shall be conducted upon entry of the qualified utility dog into the State and the results of the test shall be final and conclusive. Any qualified utility dog not showing an adequate titer shall be quarantined for one hundred twenty days.

- (6) Any qualified utility dog that is absent from the State for longer than six months, as measured from the day the dog departs from the State, or does not possess a protective, rabies virus, antibody titer, shall be subject to the quarantine requirements established by the department of agriculture pursuant to chapter 141, Hawaii Revised Statutes, and this Act, upon the dog's return to the State; and
- (7) A qualified utility dog released from quarantine shall remain under provisional quarantine in its owner's custody and shall be presented for inspection to quarantine officials or a veterinarian approved by the department of agriculture not less than once every thirty days for the ninety-day time period following its release from quarantine facilities. The department of agriculture shall have the authority to quarantine any qualified utility dog that upon inspection, displays signs and symptoms suggestive of rabies.

The cost of implementing the procedures established under this section, and all personal expenses incurred by the owner of the utility dog or the owner of the qualified utility dog in complying with the procedures established under this section, shall be borne by the owner.

As used in this section:

"Physician" has the same meaning as defined in section 327D-4, Hawaii Revised Statutes.

"Qualified utility dog" means any utility dog belonging to a handicapped handler, who must depart from and return to the State for travel to and from the continental United States or Alaska to obtain necessary medical treatment that is unavailable in the State for the handicapped handler.

"Utility dog" means a guide dog, service dog, or signal dog as defined in section 515-3(8), Hawaii Revised Statutes.

"Veterinarian" has the same meaning as defined in section 471-1, Hawaii Revised Statutes.

SECTION 3. In the event of a conflict between this Act and any other law or rule, this Act shall control.

SECTION 4. This Act shall take effect upon its approval and shall be repealed:

- (1) One year from its effective date; or
- (2) Upon adoption of the department of agriculture's new quarantine rules; whichever is sooner.

(Approved June 24, 1996.)