

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

FEBRUARY 12, 2025
9:30 AM
CONFERENCE ROOM 325

HOUSE BILL NO. 319

RELATING TO CRUELTY TO ANIMALS

Chair Kahaloa, Vice Chair Kusch, and Members of the Committee:

House Bill 319 exempts from the crime of cruelty to animals in the second degree the extermination of insects, vermin, and pests, and the extermination of feral chickens on private property by the property owner, provided that the extermination is conducted in accordance with standard and acceptable pest control practices and rules adopted by the Department of Agriculture (Department). Requires the Department to adopt rules, pursuant to chapter 91, Hawai'i Revised Statutes, concerning the humane extermination of insects, vermin, pests, and feral chickens. The Department offers comment.

Section 711-1109, HRS details cruelty to animals. §711-1109 (2) lists processes that are exempt. The Department recommends that the provisions of HB319 are better addressed by amending HB§711-1109 (2) as follows:

- (a) Accepted veterinary practices;
- (b) Activities carried on for scientific research governed by standards of accepted educational or medicinal practices; [øf]



- (c) Pest control operations conducted pursuant to Chapter 149A by a pest control operator licensed pursuant to Chapter 460J, if the pest control is performed under a written contract;
- (d) Extermination of feral chickens on private property by the property owner, or property lessee, providing methods of extermination are consistent with the American Veterinary Medical Association Guidelines for Euthanasia of Animals;
- (e) Extermination of insects, vermin, and pests by the property owner, or property lessee using poison as long as the poison is legally used, is designed for the intended insect, vermin, and pest, and the product label lists target species; or
- (f) Extermination of insects vermin and pests by the property owner, or property lessee using traps to catch pests as long as they are approved traps that state the type of animal that is intended to be caught and instructions for the trapping device is followed completely; or
- (g) Extermination of insects and pests by the property owner, or property lessee by common accepted physical methods of insect and pest extermination.

The Department does not believe establishing administrative rules is appropriate for the objectives of this measure.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 319, RELATING TO CRUELTY TO ANIMALS.

BEFORE THE:

HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

DATE: Wednesday, February 12, 2025 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kelcie K. Nagata or Christopher J.I. Leong, Deputy Attorneys
General

Chair Kahaloa and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to amend the Penal Code to allow for the extermination of feral chickens on private property by the property owner without fear of being charged with cruelty to animals in the second degree.

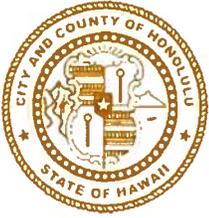
Section 1 of this bill proposes to amend section 711-1109, Hawaii Revised Statutes (HRS), which established the offense of cruelty to animals in the second degree, to amend subsection (1)(c) to delete the wording "all applicable laws and regulations" on page 2, line 1. The deletion of this wording and the insertion instead of "rules adopted by the department of agriculture" may have unintended legal consequences. That wording in subsection (1)(c) is part of a proviso that exempts the killing of insects, vermin, or other pests from the offense of cruelty to animals, but there are federal laws and regulations regarding pest control practices. Thus, the deletion of the applicability of relevant laws and regulations could potentially cause confusion in enforcement and prosecution.

Accordingly, the wording at page 1, line 12, through page 2, line 2, should be amended as follows:

- (c) Mutilates, poisons, or kills without need any animal other than insects, vermin, or other pests; provided that the handling or extermination of

any insect, vermin, or other pest is conducted in accordance with standard and acceptable pest control practices and all applicable laws and regulations[;], including any applicable rules adopted by the department of agriculture;

Thank you for the opportunity to testify.



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
530 S. KING ST. STE. 202, HONOLULU, HI 96813

VAL AQUINO OKIMOTO
COUNCILMEMBER
DISTRICT VIII
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February 12, 2025

Rep. Kirstin Kahaloa, Chair
Rep. Matthias Kusch, Vice Chair
House Committee on Agriculture & Food Systems

Testimony of Councilmember Val Aquino Okimoto

Support for House Bill No. 319 – Relating to Cruelty to Animals

WRITTEN TESTIMONY ONLY

Aloha Chair Kahaloa, Vice Chair Kusch, and Members of the Committee:

Thank you for the opportunity to submit testimony in **support** for House Bill No. 319. This bill would allow private property owners to control feral chicken populations on their property, under certain practices and rules.

The feral chicken population in Pearl City has rapidly exploded and many constituents have reached out to my office and other legislators for assistance. Unfortunately, current solutions are cost prohibitive for private property owners, and the chickens often outsmart the traps provided by the city's contractor.

This bill would give private property owners another option to control feral chickens which do not belong in our suburban communities.

Mahalo to the introducer of this bill for thinking outside of the box to find solutions for our communities. I encourage your Committee to pass this bill, un-amended, with a recommendation for passage on Second Reading.

Sincerely,

A handwritten signature in purple ink that reads "Val Aquino Okimoto". The signature is stylized and includes a large, sweeping flourish at the end.

Val Aquino Okimoto
Councilmember

VAO:js

HB-319

Submitted on: 2/7/2025 5:31:33 PM

Testimony for AGR on 2/12/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Animal Rights Hawai'i	Oppose	Remotely Via Zoom

Comments:

Animal Rights Hawai'i has grave reservations regarding the latitude given to pest companies and DOA regarding methodology of killing said "pests". HAR does not list chickens in its tally of animals considered pests, and to leave the monitoring of killing any animal to the discretion of a landowner would be a mockery of our Cruelty Law. We doubt that DOA will enforce individual cases and there are already too many aerosol pesticides being used by the public. This bill is flawed beyond revision. Please table HB319.

Mahalo!

Erik K. Abe
55 South Kukui Street, Apt. 1606
Honolulu, Hawaii. 96813
(808) 371-3745 eabe1019@gmail.com

House Committee on Agriculture and Food Systems
Wednesday, February 12, 2025; 9:30 a.m.
State Capitol, Conference Room 325
Via Videoconference

RE: HOUSE BILL NO. 319, RELATING TO CRUELTY TO ANIMALS.

Chair Kahaloa, Vice Chair Kusch, and Members of the Committee:

My name is Erik Abe, and am the Public Affairs and Policy Director for the Hawaii Primary Care Association. However, I am testifying on this measure solely in my capacity as a private citizen. I worked on this own time and am transmitting this to the Legislature from my personal email account. **Because of this, in no way should this testimony be construed in any ways as reflecting the views of the Hawaii Primary Care Association.**

The measure, as received by your Committee, would exempt the extermination of feral chickens on private property by the property owner under certain circumstances from offense of cruelty to animals in the second degree. This measure would take effect upon its approval.

I was raised in Manana, Island of Oahu. My parent's house is situated within the House district that the introducer of this bill represents. The residents of Manana have had to deal with feral chickens for generations. Feral chickens are so prevalent in the community that they destroy gardens, lay eggs in hidden areas, and frequently serve as traffic hazards when they flock or run on the streets.

While the problem exists in Manana, the situation there cannot be compared to how bad things are in areas on the other side of the district in Waipahu and Waikele. Talking with neighbors there, because the feral chickens are so numerous, they travel as flocks and are aggressive to humans and pets.

From what was discussed at the neighborhood board meetings, citizens in that area have tried to address this problem legally by obtaining traps and using other methods to humanely rid the area of these pests. However, these efforts have been halted because of concerns that the residents could be in violation of animal cruelty laws.

Testimony on House Bill No. 0319
Wednesday, February 12, 2025; 9:30 a.m.
Page 2

This bill seeks to clarify the law to allow the residents affected by feral chickens to eliminate these pests. It will greatly improve the quality of life in areas like Manana, Waipahu, and Waikele. **For this reason, I respectfully urge your favorable consideration of this measure.**

Should you have any questions, or would like further clarification, please do not hesitate to contact me at (808) 371-3745.

HB-319

Submitted on: 2/8/2025 12:00:03 PM

Testimony for AGR on 2/12/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Leveen	Individual	Oppose	Written Testimony Only

Comments:

Can we end the killing of all animals, not just those of our own species? Chickens are members of the animal kingdom along with humans. We supposedly value life. We want our children and other society members to respect life. Yet we kill other species who are full of life. Killing chickens in your yard can be a step away from cock fighting, which we agree is abhorrent. It breaks down barriers to preserving the sanctity of life.

Honestly I am so tired of the hypocrisy and power inherent in deciding another species doesn't have a right to live. Let's stop with this superiority of the human species, which by the way creates racism and misogyny and prejudices and bullying and other equally deplorable human behaviors. Let our value system respect all life, create solutions that don't involve ending an innocent's life, and live up to our higher nature. Please vote no on this bill inviting people to kill. Please rise to a power built on compassion and infused with respect for all life. Your power. Your hō'ihi. Your greater essence and true wisdom.

Respectfully submitted with aloha.

HB-319

Submitted on: 2/8/2025 4:47:16 PM

Testimony for AGR on 2/12/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dr. Joel Fischer	Individual	Oppose	Written Testimony Only

Comments:

I am writing to **STRONGLY** oppose HB319! Passing this bill is like giving everyone in Hawai'i a license to kill. It is an awful solution to a manini problem. Yes, I'll say it: It is truly **OVERKILL!**

This bill treats sensitive creatures as though they are scum: Just kill them; no worries.

Please, please, don't pass this horrific shoot first and don't even ask questions bill.

Thank you for your consideration.

Aloha, joel

HB-319

Submitted on: 2/9/2025 8:46:35 PM

Testimony for AGR on 2/12/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynette Uehara	Individual	Support	Written Testimony Only

Comments:

When we first moved to Pearl City in 1996, it was a very nice neighborhood, quiet and free of feral chickens and roosters roaming around.

Over the past year or two there have been feral chickens and roosters coming in my yard, roosters crowing all hours of the day, rustling noises in my yard, etc. The roosters were not crowing when the sun comes up in the morning, it was often crowing very early in the mornings before it was time to wake up and sometimes it was hard to go back to sleep.

I was teleworking and the crowing would be heard by the people on my telecons.

Pearl City is not farmland; however, it certainly sounds like I live on a farm!

Even when I go to the Foodland Farms and Walmart areas, there are feral roosters, chickens, chicks roaming all around.

With the bird flu epidemic going around this is not a very safe or sanitary situation for everyone.

Would appreciate something to be done in the residential areas in Pearl City and other areas where there are the feral roosters and chickens to be able to do something about getting rid of this problem.

HB-319

Submitted on: 2/10/2025 1:05:14 AM

Testimony for AGR on 2/12/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jill Yoshicedo, DVM	Individual	Support	Written Testimony Only

Comments:

I am in support of HB 319 addressing the overpopulation of feral chickens in Hawaii while upholding animal cruelty laws.

Cynthia Au
Honolulu, HI 96825
cynthiakyau@yahoo.com

Committee on Agriculture & Food Systems
Rep. Kirstin Kahaloa, Chair
Rep. Matthias Kusch, Vice Chair

Hearing: Wednesday, February 12, 2025

RE: HB 319: Relating to Cruelty to Animal

Chair Kahaloa, Vice Chair Kusch and committee members:

I stand in SUPPORT of HB 319: Relating to Cruelty to Animals which would exempts from the crime of cruelty to animals in the second degree the extermination of insects, vermin, and pests, and the extermination of feral chickens on private property by the property owner; provided that the extermination is conducted in accordance with standard and acceptable pest control practices and rules adopted by the Department of Agriculture. Requires the Department of Agriculture to adopt rules, pursuant to chapter 91, Hawaii Revised Statutes, concerning the humane extermination of insects, vermin, pests, and feral chickens.

Sometimes, feral chickens on private property are a nuisance when they destroy private property.

I am testifying in the capacity as a public citizen. I disclose that I am employed as a lobbyist on behalf of ACS CAN and this testimony is not in the capacity of my employment.

Sincerely,
Cynthia Au
Honolulu, HI 96825
cynthiakyau@yahoo.com