

JAN 20 2012

S.B. NO. 2198

A BILL FOR AN ACT

RELATING TO PETS.

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

SECTION 1. Chapter 143, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

"§143-A Prohibition on sale or exchange of unsterilized cats and dogs; exception; penalty. (a) No pet seller shall sell, barter, trade, exchange, or give, free of charge, to a person, corporation, organization, partnership, association, or other legal entity, a cat or dog, unless:

(1) The cat or dog is spayed or neutered;

(2) The pet seller implants a microchip or knows that a microchip is already implanted in the cat or dog prior to the sale, barter, trade, exchange, or gift; and

(3) The pet seller provides the registration information regarding the microchip to the new owner at the time of delivery of the cat or dog.

(b) This section shall not apply to a registered 501

(c)(3) humane society or animal control, rescue, or care organization adopting out animals.



1 (c) The penalty for violating this section shall be as
2 provided in section 143-C.

3 **§143-B Pet sellers; microchip required for cats and dogs.**

4 For purposes of identification, each pet seller shall implant a
5 microchip in a cat or dog in the seller's possession, unless a
6 microchip has already been implanted in the cat or dog.

7 **§143-C Sale or exchange of cats and dogs; disclosure**
8 **requirements; penalty.** (a) At the time of delivery of a cat or
9 dog to a new owner, a pet seller shall deliver to the new owner
10 information including the following:

11 (1) The breeder's name, address, license information, and
12 whether the breeder is licensed by the United States
13 Department of Agriculture, if known;

14 (2) The animal's date of birth, if known;

15 (3) The date the seller received the cat or dog;

16 (4) The breed, sex, color, and any identifying marks of
17 the cat or dog at the time of exchange;

18 (5) A record of each inoculation and worming treatment
19 administered, if any, to the cat or dog, including the
20 date of administration and the type of vaccine or
21 worming treatment;



1 (6) A record of veterinarian treatment or medication
2 received by the cat or dog while in the possession of
3 the pet seller, including a signed receipt or other
4 signed documentation showing that the dog or cat was
5 spayed or neutered; provided that the receipt or other
6 documentation shall be signed by a veterinarian
7 licensed in the State of Hawaii; and

8 (7) A document:

9 (A) Attesting that the dog or cat has no known
10 disease, illness, congenital condition, or
11 hereditary condition that adversely affects the
12 health of the cat or dog at the time of the
13 exchange or that is likely to adversely affect
14 the health of the cat or dog in the future; or

15 (B) Describing any known disease, illness, congenital
16 condition, or hereditary condition that adversely
17 affects the health of the cat or dog, or that is
18 likely to adversely affect the health of the cat
19 or dog in the future;

20 provided that a pet seller shall sign the completed
21 form to certify the accuracy of the information, and
22 the recipient of the cat or dog shall sign the



1 completed form to acknowledge receipt of the
2 information; provided further that a pet seller shall
3 retain a copy of each completed and signed form for a
4 period of not less than two years after the exchange
5 of the cat or dog, and make each completed and signed
6 form available for inspection or copying by a humane
7 officer, animal control officer, or law enforcement
8 officer during business hours.

9 (b) This section shall not apply to a registered 501(c)(3)
10 humane society or animal control, rescue, or care organization.

11 (c) Any pet seller that violates this section shall be
12 fined not more than \$1,000 for each separate offense. Each date
13 of violation shall constitute a separate offense. Fines
14 collected under this section shall be payable to the county in
15 which the violation occurred."

16 SECTION 2. Section 143-1, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By adding three new definitions to be appropriately
19 inserted and to read:

20 "Pet seller" means any person, corporation, organization,
21 partnership, association, or other legal entity that sells cats
22 or dogs to customers. The term shall not include any registered



1 501(c)(3) humane society or animal control, rescue, or care
2 organization.

3 "Unsterilized cat" means a female cat that has not been
4 spayed by a licensed veterinarian or a male cat that has not
5 been neutered by a licensed veterinarian.

6 "Unsterilized dog" means a female dog that has not been
7 spayed by a licensed veterinarian or a male dog that has not
8 been neutered by a licensed veterinarian."

9 2. By amending the definition of "owner" to read:

10 "Owner" includes every person owning, harboring, or keeping
11 a cat or dog; provided that if the owner is a minor under the
12 age of eighteen years, the parent, guardian, or other person
13 having the care, custody, or control of the minor shall be
14 irrebuttably presumed to be the owner."

15 SECTION 3. Section 143-2.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§143-2.5[+] **Regulation of other animals.** Nothing in
18 this chapter shall be construed as a limitation on the authority
19 of the counties to regulate, including by licensure, animals
20 other than cats and dogs."

21 SECTION 4. In codifying the new sections added by section
22 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 2198

Report Title:

Disclosures by Pet Sellers; Cats; Dogs

Description:

Prohibits the sale or exchange of an unsterilized cat or dog. Requires pet sellers to implant a microchip in each cat or dog in its possession. Prohibits the sale or exchange of cats or dogs without microchips implanted, and requires pet sellers to provide information regarding a microchip to a cat or dog's new owner. Requires pet sellers to make certain disclosures relating to the health and identification of a cat or dog upon delivery to a new owner. Establishes penalties.

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

