

JAN 20 2012

A BILL FOR AN ACT

RELATING TO THE SALE OF DOGS AND CATS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **SALE OF DOGS AND CATS**

6 § -1 **Definitions.** As used in this chapter unless the
7 context otherwise requires:

8 "Pet seller" means any person, partnership entity, or
9 corporation who sells pets to the public or to a retail pet
10 store; provided that a "pet seller" shall not apply to humane
11 societies, or animal control, rescue, or care organizations
12 exempt under title 26 United States Code section 501(c)(3).

13 "Retail pet store" means a retail establishment engaged in
14 the business of buying, selling, exchanging, or offering pets to
15 the public.

16 "Unsterilized cat" means a female cat that has not been
17 spayed or a male cat that has not been neutered by a
18 veterinarian licensed under chapter 471.



1 "Unsterilized dog" means a female dog that has not been
2 spayed or a male dog that has not been neutered by a
3 veterinarian licensed under chapter 471.

4 § -2 Sale of dogs and cats. (a) Pet sellers shall
5 implant an identification microchip in a dog or cat prior to the
6 sale or exchange of the dog or cat. Upon sale or exchange, the
7 pet seller shall provide to the dog or cat owner the microchip
8 registration information.

9 (b) Upon sale or exchange of a dog or cat, pet sellers
10 shall deliver the following information:

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

14 (2) The date of the dog or cat's birth, if known;

15 (3) The date the pet seller received the dog or cat, if
16 applicable;

17 (4) The breed, sex, color, and identifying marks of the
18 dog or cat; and

19 (5) The veterinarian information, including the following,
20 if applicable:



1 (A) A record of each inoculation and worming
2 treatment, if any, including the dates and types
3 of treatments administered;

4 (B) A record of any veterinarian treatments or
5 medications received while the dog or cat was in
6 the possession of the pet seller;

7 (C) A receipt or other documentation signed by a
8 veterinarian licensed under chapter 471,
9 indicating that the dog or cat was spayed or
10 neutered; and

11 (D) A document stating that the dog or cat has no
12 known diseases or illnesses or describing any
13 known diseases or illnesses of the dog or cat or
14 congenital or hereditary conditions that may
15 adversely affect the health of the dog or cat at
16 the time of sale or exchange or is likely to
17 adversely affect the health of the dog or cat in
18 the future.

19 (c) A pet seller shall attest to the delivery of the
20 documents by signing all applicable documents required under
21 subsection (b) and retaining copies of all documents for a
22 period of not less than two years after the sale or exchange of



1 the dog or cat. The pet seller shall make all completed and
2 signed documents available for inspection and copying upon the
3 request from a humane officer, animal control officer, or law
4 enforcement officer.

5 § -3 **Sale of unsterilized dogs and cats prohibited.** (a)

6 It shall be unlawful for a pet seller to sell an unsterilized
7 dog or unsterilized cat to the public, to a retail pet store, or
8 to a pet supply or equipment purchaser representing or engaged
9 in business with a retail pet store.

10 (b) For purposes of this section, a pet seller that gives
11 an unsterilized dog or unsterilized cat for free to the public,
12 a retail pet store, or pet supply or equipment purchaser, the
13 exchange shall be considered a sale and unlawful.

14 § -4 **Penalties.** Any person who knowingly,
15 intentionally, or recklessly violates section -2 or section
16 -3 shall be guilty of a petty misdemeanor. Each violation
17 shall constitute a separate offense."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 3. If any provision of this Act, or the
22 application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act that can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Uphike



S.B. NO. 2504

Report Title:

Sale of Dogs and Cats; Pet Sellers; Spay and Neuter;
Identification Microchip

Description:

Requires pet sellers to implant an identification microchip in a dog or cat prior to sale or exchange and to provide specific written documentation regarding each dog or cat sold. Prohibits pet sellers from selling an unsterilized dog or unsterilized cat.

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

