

**LATE****NATIONAL ANIMAL INTEREST ALLIANCE***Supporting the people who care for America's animals*

February 26, 2013

The Honorable Rosalyn H. Baker  
The Honorable Brickwood Galuteria  
The Honorable David Y. Ige  
The Honorable Michelle Kidani  
Members of the Senate Committee on Commerce and Consumer Protection  
Members of the Senate Committee on Ways and Means  
415 South Beretania Street  
Honolulu, HI 96813  
Sent via Fax

**Letter in Opposition to Senate Bill 414 SD1**

Dear Senator Baker, Senator Ige, and Committee Members,

National Animal Interest Alliance (NAIA) writes to express our concern with Senate Bill 414 SD1 and to respectfully ask that you reject the bill as written.

NAIA supports laws intended to protect the health and welfare of animals, and is in favor of reasonable laws regulating commercial dog breeders provided such laws do not infringe upon the rights of responsible owners and breeders. SB 414 SD1, while commendable for its intention to introduce regulation to commercial dog breeding in Hawaii, has employed provisions that reach beyond what is necessary to protect animal welfare, which is overly burdensome to responsible owners and breeders, and in targeting large commercial breeder would also impose heavy regulation to pet owners and hobby breeders who do not engage in commercial activity.

SB 414 SD1 implies that the targets of the bill are large profit-driven breeding facilities, which under current Hawaii laws are inadequately regulated. But, the provisions of this bill and every penalty for non compliance would apply to any person who owns ten or more unsterilized dogs over the age of four months, regardless of whether that person is actively engaged in the breeding and selling of dogs. Such a standard would have the effect of applying strict commercial regulations to pet owners and hobby breeders and enthusiasts. While the protection of animal welfare in these contexts is also important, there are important differences between commercial operations and private citizens keeping dogs as a hobby, making this application burdensome and impractical.

This law is written so that it would needlessly include dog owners not engaging in the activities the bill is intended to target, large-scale for profit dog breeding. We suggest that if SB 414 SD1 is intended to regulate large scale profit-driven breeding, that it should be applied to facilities or to commercial activity, (specifically the number of dogs sold over a particular time span) rather than on the total number of dogs owned. Passing it as written would create an unreasonable, unenforceable law.

Beyond the bill's expansive scope, applying to pet owners and hobby breeders, SB 414 SD1 has many provisions that as written are impractical and overly burdensome. These provisions create regulations that in some cases are virtually impossible to follow, and are often confusing, going well beyond what is necessary to ensure animal health and wellbeing. Failure to follow these burdensome provisions would result in the owner being subject to extreme penalties, potentially facing misdemeanor charges and civil penalties up to \$1000. Examples of these provisions are:

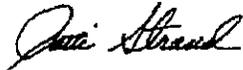
- SB 414 SD1 requires an owner to provide dogs with "constant and unfettered access to an indoor enclosure." The result of this provision is that an owner would be in violation of the law simply by securing a dog outside temporarily for play and exercise.
- The bill would not permit a dog to be placed in an appropriately sized crate, temporarily for transportation or training purposes, without the owner being in violation of the law.
- The law requires that any dog older than four months have a microchip implanted, but also prohibits the implanting of a microchip in any dog less than four months old. The result of this provision is that an owner that does not have a dog micro chipped on its four month birthday is in violation of the bill.
- SB 414 SD1 requires that the dogs have constant and unfettered access to an exercise area. This would make any owner who utilized a turn-out area to provide their dogs with regular and periodic exercise in violation of the law.
- The bill would require any owner, or person in custody, of ten or more intact dogs over four months in age to be licensed as a dog breeder, regardless of whether or not they were breeding their dogs. Failure to be properly license would result in the owner being subject to civil fines of up to \$1000 dollars per day.
- According to SB 414 SD1 the premises of any licensee would be subject to unannounced visits during business hours. Such a provision though would be overly burdensome on owners who do not breed their dogs or hobby breeders, but still were required to be licensed under the law.
- The law creates extensive record keeping requirements for any licensee, failure to comply with resulting in the owner facing similar misdemeanor charges and penalties animal welfare violations.
- SB 414 SD1 imposes stricter protection on dogs' health than existing laws pertaining to children's health, requiring the owner to provide veterinary care for any illness or injury regardless of severity or else be in violation of the law.
- The bill would make the breeding of any dog older than age eight, or allowing any dog to produce more than two litters within an 18-month period a violation of the law, subject to full criminal charges and civil penalties. NAIA holds that such decisions regarding whether a dog is healthy enough for breeding is best left to the dogs' veterinarian and owner. Furthermore this statute could negatively impact the genetic diversity of rare breeds and make it more difficult to breed for certain desirable traits like health and longevity.

- SB 414 SD1 grants local humane societies extensive power to create new rules, and also would grant them enforcement power. Under the bill they could seize and impound dogs if the owner is in violation of the rules they have created, a situation, something that creates a conflict of interest. Not for profit organizations are not elected by the public and should not be granted this kind of authority.
- According to SB 414 SD1 no person, regardless of their intentions or capacity to care for them, would be permitted to possess more than 30 intact dogs over the age of 1 year. NAIA supports laws that does not support laws that places a numeric limit on the number of dogs a person may own, instead supporting laws that are based on the capacity of the person to care for the dogs humanely.

These examples summarize the extensive regulations that would be created under SB 414 SD1 and imposed on both commercial breeders and owners of companion animals. Given the impractical nature of many of these regulations on pet owners and hobby breeders NAIA respectfully asks you to reject SB 414 SD1 as written. Please don't infringe on the privacy of pet owners and small scale hobby breeder by treating them as commercial enterprises.

Thank you for your consideration

Sincerely,



Patti Strand, Chair and National Director