

JAN 17 2013

A BILL FOR AN ACT

RELATING TO VETERINARY MEDICINE.

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

1 SECTION 1. Section 471-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§471-2 License required.** No person shall practice
4 veterinary medicine, either gratuitously or for pay, or shall
5 offer to so practice, or shall announce or advertise, publicly
6 or privately, as prepared or qualified to so practice, or shall
7 append the letters "Dr." or affix any other letters to the
8 person's name with the intent thereby to imply that the person
9 is a practitioner of veterinary medicine, without having a valid
10 unrevoked license obtained from the board of veterinary
11 examiners; provided that nothing in this chapter prevents or
12 prohibits the following:

13 (1) Any person from gratuitously treating animals in case
14 of emergency;

15 (2) The owner of any animal or animals and the owner's
16 full-time, regular employees from caring for and
17 treating any animals belonging to the owner; provided
18 that the owner and the owner's employees shall not



1 perform any surgical procedures including but not
2 limited to surgical birth, ear cropping, tail docking,
3 and debarking;

4 (3) Any student enrolled in any veterinary school or
5 college or any employee of a veterinarian from working
6 under the direct supervision of a veterinarian;

7 (4) Any person from practicing veterinary medicine in the
8 employ of the United States government while engaged
9 in the performance of the person's official duties;

10 (5) Any person licensed to practice veterinary medicine in
11 any state, or any certified scientist or professional
12 in animal care, from practicing in this State when in
13 actual consultation with or under the sponsorship of
14 veterinarians of this State; provided that the person
15 licensed from another state, or the certified
16 scientist or professional in animal care, shall not
17 open an office, or appoint a place to meet patients,
18 or receive calls within the limits of the State;

19 (6) Any farmer from giving to another farmer the
20 assistance customarily given in the ordinary practice
21 of animal husbandry; or



1 (7) Any applicant who meets the licensing requirements of
2 practicing veterinary medicine under a veterinarian by
3 permit; provided the applicant applies for and takes
4 the first examination scheduled by the board. A
5 permit shall not be renewed."

6 SECTION 2. Section 471-15, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "~~[+]~~§471-15~~[+]~~ **Criminal penalties.** ~~[Any]~~ (a) Except as
9 provided in subsection (b), any person convicted of violating
10 section 471-2 shall ~~[have committed]~~ be guilty of a misdemeanor
11 and shall be subject to a fine not to exceed \$500~~[e]~~,
12 imprisoned not more than six months, or both.

13 ~~[Additionally,]~~ (b) Any person convicted of violating
14 section 471-2 and who, in the course of that violation,
15 intentionally or knowingly performs any surgical procedure,
16 including but not limited to surgical birth, ear cropping, tail
17 docking, and debarking, on a pet animal shall be guilty of a
18 class C felony. For purposes of this subsection, "pet animal"
19 shall have the same meaning as in section 711-1100.

20 (c) In addition to the penalties provided in subsections
21 (a) and (b), all tools, implements, appliances, medicine, and
22 drugs used in the practice of veterinary medicine by any person



1 convicted of practicing veterinary medicine without a license
2 shall be declared forfeited to the State by the court and turned
3 over to the board for disposition as it may choose to make."

4 SECTION 3. Section 711-1108.5, Hawaii Revised Statutes, is
5 amended by amending subsection (2) to read as follows:

6 "(2) Subsection (1)(a) shall not apply to:

7 (a) Accepted veterinary practices [~~+~~] performed by a
8 veterinarian licensed under chapter 471;

9 (b) Activities carried on for scientific research governed
10 by standards of accepted educational or medicinal
11 practices; [~~or~~] and

12 (c) Cropping or docking as customarily practiced [~~-~~] and
13 performed by a veterinarian licensed under chapter
14 471."

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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

21

INTRODUCED BY:



S.B. NO. 8

Report Title:

Veterinary Medicine; Criminal Penalties

Description:

Amends section 471-2, HRS, to prohibit the owner of an animal, and the owner's employees, from performing any surgical procedure, including but not limited to surgical birth, ear cropping, tail docking, and debarking on the animal without being licensed as a veterinarian. Makes intentionally or knowingly performing any surgical procedure, including but not limited to surgical birth, ear cropping, tail docking, and debarking, on a pet animal by any person not licensed as a veterinarian pursuant to section 471-2, HRS, guilty of a class C felony. Amends section 711-1108.5, HRS, to specify that accepted veterinary practices and cropping or docking as customarily practiced, shall not be considered cruelty to animals in the first degree if performed by a veterinarian licensed under chapter 471, HRS.

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

