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# A BILL FOR AN ACT

RELATING TO FERAL CATS.

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

1       SECTION 1. The legislature finds that free-roaming cats  
2 are a diverse population that can include abandoned and lost  
3 pets, owned cats allowed outdoors, and the offspring of these  
4 cats. Feral cats, a subset of this population, are not  
5 socialized and are unaccustomed to interacting with people.  
6 Although counties may attempt to control the free-roaming cat  
7 population by euthanizing cats, euthanasia does not address the  
8 problem of exponential increases in the cat population.

9       The legislature further finds that the trap-sterilize-  
10 return-manage process is not only more humane than euthanasia,  
11 but less costly. In the trap-sterilize-return-manage process,  
12 free-roaming cats are caught in humane traps, sterilized so that  
13 they can no longer reproduce, microchipped, and surgically ear-  
14 tipped or ear-notched on one ear so that they may be easily  
15 identified as sterilized. The management process includes  
16 regularly providing food and water, monitoring the cats,  
17 sterilizing any cats in the colony, removing any kittens or



1 socialized cats for assessment and potential adoption, and  
2 providing care to ill or injured cats, including euthanasia if  
3 deemed necessary. When these sterilized cats are returned to  
4 their colonies, unsterilized cats are less likely to take their  
5 place. Thus, with the trap-sterilize-return-manage process,  
6 coupled with identifying and evaluating new arrivals for  
7 placement in homes, colony populations can reduce gradually over  
8 time through attrition and removal for adoption.

9 The purpose of this Act is to promote the humane treatment  
10 of free-roaming cats by:

- 11 (1) Allowing nonprofit animal care or rescue groups to  
12 register and oversee caregivers of free-roaming cats  
13 in carrying out the trap-sterilize-return-manage  
14 process;
- 15 (2) Exempting registered caregivers of free-roaming cats  
16 from state and county statutes, ordinances,  
17 regulations, rules, or other laws, whether enacted or  
18 adopted by the legislature, relevant county council,  
19 or other state or county government agency or entity,  
20 relating to the feeding and confinement of cats; and



(3) Establishing a free-roaming cat trap-sterilize-return-manage process.

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

**"CHAPTER**

**FREE-ROAMING CATS**

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

"Animal care or rescue group" means a society or organization that:

- (1) Is incorporated and in good standing as a nonprofit corporation pursuant to chapter 414D, Hawaii Revised Statutes;
- (2) Is incorporated for the purpose of providing shelter to animals; promoting, advancing or otherwise facilitating animal welfare; preventing cruelty to animals; or a substantially similar purpose; and
- (3) Is recognized by the Internal Revenue Service as a tax exempt organization under section 501(c)(3) of the Internal Revenue Code.



1 "Caregiver" means a person who assists with the management  
2 of a colony by sterilizing and providing food, water, and care  
3 to one or more free-roaming cats within the State.

4 "Colony" means a group of free-roaming cats that congregate  
5 and live together at a location within the State.

6 "Registered caregiver" means a person who is registered as  
7 a caregiver with an animal care or rescue group pursuant to this  
8 chapter.

9 "Trap-sterilize-return-manage process" means a process that  
10 includes humanely capturing a free-roaming cat, arranging for  
11 its sterilization, complying with other applicable standards set  
12 forth in this chapter, and subsequently releasing the cat back  
13 to its original location if appropriate.

14 § -2 Animal care or rescue group responsibilities. An  
15 animal care or rescue group may register caregivers of free-  
16 roaming cats; provided that the animal care or rescue group  
17 shall:

18 (1) Maintain records of the names and contact information  
19 of registered caregivers;

20 (2) Submit an annual report to the senate standing  
21 committee and the house of representatives standing



committee whose purviews include agriculture that includes, at a minimum:

- (A) The number of registered caregivers;
  - (B) The number of free-roaming cats captured by registered caregivers and dispositions of the free-roaming cats;
  - (C) The number of known colonies managed by registered caregivers; and
  - (D) The number of free-roaming cats in each known colony and the number that have been sterilized;
- (3) Instruct and provide informational materials to each registered caregiver regarding the care of free-roaming cats and the trap-sterilize-return-manage process;
- (4) Distribute humane cat traps to registered caregivers at no cost or at a reasonable cost;
- (5) Make reasonable efforts to monitor registered caregivers' compliance with this chapter;
- (6) Revoke the registration of any caregiver who is known to fail to comply with this chapter;



(7) Develop and distribute information and plan events to educate the general public on the care of free-roaming cats and the trap-sterilize-return-manage process; and

(8) Make reasonable efforts to mediate and resolve concerns regarding the presence of a known colony managed by a registered caregiver on or immediately adjacent to property managed by a federal, state, or county agency for the primary purpose of protection of wildlife. The relevant agency shall address all concerns directly and in writing to the animal care or rescue group. The animal care or rescue group shall consider reasonable steps to reduce any adverse impacts to wildlife.

**§ -3 Registered caregiver exemptions.** Notwithstanding any other law to the contrary, a registered caregiver shall be exempt from any state or county statute, ordinance, regulation, rule, or other law that:

(1) Prohibits the feeding or care of stray cats or requires a permit to do so;

(2) Mandates the confinement of cats; or



1 (3) Limits the number of cats that a person may own,

2 harbor, or have custody of;

3 provided that this section shall not be construed to limit the  
4 enforcement of any law or ordinance requiring the sterilization  
5 of cats or prohibiting cruelty to animals. Enforcement of any  
6 law or ordinance prohibiting cruelty to animals shall not be  
7 based solely on the registered caregiver feeding or otherwise  
8 caring for free-roaming cats in a public or private location.

9 § -4 Registered caregiver responsibilities; trap-  
10 sterilize-return-manage process. A registered caregiver who  
11 elects to participate in the trap-sterilize-return-manage  
12 process shall:

13 (1) On an annual basis, provide the following information  
14 to the animal care or rescue group with whom the  
15 caregiver is registered:

16 (A) Name and contact information;

17 (B) Location of each known colony under the  
18 caregivers' care;

19 (C) The number of free-roaming cats captured by the  
20 caregiver and the treatment received by each cat  
21 by colony; and



(D) The number of free-roaming cats in each known colony and the number in each known colony that have been sterilized;

(2) Make reasonable efforts to ensure all free-roaming cats under the caregiver's care are sterilized, microchipped, and ear tipped or notched; provided that the caregiver is not responsible for microchipping or ear tipping or notching cats that were sterilized prior to the date of registration of the caregiver;

(3) Make reasonable efforts to remove socialized kittens and socialized cats for adoptive placement;

(4) Make reasonable efforts to provide veterinary medical care for animals suffering from illness or injury; provided that a registered caregiver shall be exempt from this paragraph if the requirement would adversely affect the health of a free-roaming cat or if a licensed veterinarian determines that a free-roaming cat should be euthanized because:

(A) The animal is suffering from an injury, illness, or other health problem that severely affects the animal's quality of life; and





(B) Euthanasia is necessary to alleviate the animal's suffering; and

(5) Comply with this chapter and all state laws and county ordinances that prohibit cruelty to animals."

SECTION 3. An animal care or rescue group who registers caregivers of free-roaming cats shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2023. The report shall include a five-year summary of the following data:

- (1) The number of registered caregivers;
- (2) The number of free-roaming cats captured by registered caregivers and the dispositions of those free-roaming cats;
- (3) The number of known colonies managed by registered caregivers; and
- (4) The number of free-roaming cats in each known colony and the number that have been sterilized.

SECTION 4. This Act shall take effect on January 1, 2018, and shall be repealed on December 31, 2022.



**Report Title:**

Free-roaming Cats; Trap-sterilize-return-manage; Animal Care or Rescue Group

**Description:**

Allows a nonprofit animal care or rescue group to register and oversee caregivers of free-roaming cats. Exempts registered caregivers of free-roaming cats from state laws and county ordinances relating to the feeding and confinement of cats. Establishes a trap-sterilize-return-manage process. Takes effect on 1/1/2018. Repeals on 12/31/2022. (SD1)

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