

---

---

## A BILL FOR AN ACT

RELATING TO ANIMAL CARETAKERS.

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

1           SECTION 1. The legislature finds that feral cats are non-  
2 domesticated cats that typically live outdoors in colonies with  
3 other feral cats. The fact that feral cats have not been  
4 socialized to interact with humans makes it impractical to place  
5 them into adoptive homes. Feral cat colonies create numerous  
6 problems for the cats themselves, as well as for as the  
7 communities that find their presence to be a nuisance.

8           The legislature also finds that mongooses are small animals  
9 similar in appearance to weasels that feed on small mammals,  
10 reptiles, and bird and sea turtle eggs and hatchlings.  
11 According to the department of land and natural resources, in  
12 1999, it was estimated that mongooses caused approximately  
13 \$50,000,000 in annual damages to Hawaii and Puerto Rico.

14           The legislature recognizes that feral cats and mongooses  
15 have had a devastating impact on the State's indigenous  
16 wildlife, including indigenous birds, monk seals, and sea  
17 turtles. For example, in 2020, a Hawaiian monk seal died after



1 suffering from a disease known as toxoplasmosis, which is caused  
2 by an infection with the feline-spread *Toxoplasma gondii*  
3 parasite.

4 The legislature notes that feral cats can reproduce at an  
5 alarming rate. It is estimated that one unspayed female cat and  
6 her unaltered offspring can produce more than four hundred  
7 thousand cats within seven years. Although counties may attempt  
8 to control the feral cat population by euthanizing feral cats,  
9 euthanasia does not address the problem of exponential increases  
10 in the cat population. When cats from a colony are euthanized,  
11 they leave a vacuum that is filled when other unsterilized cats  
12 enter the same colony and start reproducing.

13 The legislature further finds that the trap-sterilize-  
14 return process is not only more humane than euthanization, but  
15 less costly. In the trap-sterilize-return process, animals are  
16 caught in humane traps, sterilized so that they can no longer  
17 reproduce, and surgically ear-tipped or ear-notched on one ear  
18 so that they may be easily identified as sterilized. The  
19 process may also include removing fleas and vaccinating the  
20 animals. When sterilized cats are returned to their respective  
21 colonies, unsterilized cats are less likely to take their place.



1 Thus, with the trap-sterilize-return process, colony populations  
2 can reduce gradually over time.

3 The purpose of this Act is to promote the humane treatment  
4 of feral cats and mongooses by:

5 (1) Requiring the department of health to contract with a  
6 nonprofit animal rescue group to oversee caretakers of  
7 feral cats and mongooses;

8 (2) Exempting registered caretakers of feral cats and  
9 mongooses from state and county laws relating to the  
10 feeding and confinement of cats and mongooses;  
11 provided that the caretakers are registered with the  
12 contracted rescue group; and

13 (3) Establishing a feral cat and mongoose trap-sterilize-  
14 return process.

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

18 "CHAPTER

19 FERAL CATS AND MONGOUSES

20 § -1 Definitions. As used in this chapter, unless the  
21 context clearly requires otherwise:



1 "Caretaker" means a person who provides or attempts to  
2 provide food and care to one or more feral cats or mongooses  
3 within the State.

4 "Colony" means a group of feral cats or mongooses that  
5 congregate and live together at a location within the State.

6 "Contracted rescue group" means the rescue group that has  
7 entered into a contract with the department of health pursuant  
8 to this chapter.

9 "Department" means the department of health.

10 "Feral cat" means a cat that is not:

- 11 (1) Owned by any person, or has been abandoned by its  
12 owner; or  
13 (2) Confined by any person to any real property.

14 "Registered caretaker" means a person who is registered as  
15 a caretaker pursuant to this chapter.

16 "Rescue group" means a society or organization that:

- 17 (1) Is incorporated and in good standing as a nonprofit  
18 corporation pursuant to chapter 414D;  
19 (2) Is incorporated for the purpose of providing shelter  
20 to animals, promoting animal welfare, preventing



- 1           cruelty to animals, or a substantially similar  
2           purpose;
- 3           (3) Euthanizes or arranges to euthanize an animal only  
4           after a licensed veterinarian has determined that:
- 5           (A) The animal is suffering from an injury, terminal  
6           illness, or other health problem that severely  
7           affects the animal's quality of life; and
- 8           (B) Euthanization is necessary to alleviate the  
9           animal's suffering; and
- 10          (4) Is recognized by the Internal Revenue Service as a tax  
11          exempt organization under section 501(c)(3) of the  
12          Internal Revenue Code.

13          "Trap-sterilize-return process" means a process that  
14 includes capturing a feral cat or mongoose, arranging for its  
15 sterilization, complying with other applicable standards, and  
16 subsequently releasing the feral cat or mongoose.

17          **§ -2 Contracted rescue group responsibilities.** By  
18 January 1,           , the department shall contract with a rescue  
19 group to:

- 20          (1) Register caretakers of feral cats and mongooses;



- 1           (2) Maintain records of the names and contact information
- 2                   of registered caretakers;
- 3           (3) Submit an annual report to the department that
- 4                   includes, at a minimum:
- 5                   (A) The number of registered caretakers;
- 6                   (B) The number of feral cats and mongooses captured
- 7                           by registered caretakers;
- 8                   (C) The location of each known colony; and
- 9                   (D) An estimate of the number of feral cats or
- 10                           mongooses in each known colony that have been
- 11                           sterilized;
- 12           (4) Instruct and provide informational materials to each
- 13                   registered caretaker regarding the care of feral cats
- 14                   or mongooses, as applicable, and the trap-sterilize-
- 15                   return process;
- 16           (5) Distribute humane animal traps to registered
- 17                   caretakers at no cost or at a reasonable cost;
- 18           (6) Monitor registered caretakers' compliance with this
- 19                   chapter and any rules adopted under this chapter;



1 (7) Revoke the registration of any caretaker who fails to  
2 comply with this chapter or any rules adopted under  
3 this chapter; and

4 (8) Develop and distribute information and plan events to  
5 educate the general public on the care of feral cats  
6 and mongooses and the trap-sterilize-return process.

7 **§ -3 Registered caretaker privileges.** Notwithstanding  
8 any other law to the contrary, a registered caretaker shall be  
9 exempt from any state law or county ordinance that:

10 (1) Prohibits or requires a permit for the feeding of  
11 stray animals;

12 (2) Mandates the confinement of cats or mongooses; or

13 (3) Limits the number of animals that a person may own,  
14 harbor, or have custody of;

15 provided that this section shall not be construed to limit the  
16 enforcement of any law or ordinance prohibiting cruelty to  
17 animals if enforcement is not solely based on the fact that the  
18 registered caretaker is feeding feral cats or mongooses in a  
19 public or private location.

20 **§ -4 Registered caretaker responsibilities; trap-**  
21 **sterilize-return process.** (a) A registered caretaker who



1 elects to participate in the trap-sterilize-return process

2 shall:

- 3       (1) Use humane animal traps that, when in good working  
4           order and used properly, do not cause harm to cats or  
5           mongooses;
- 6       (2) Not leave a set animal trap unattended for more than  
7           four hours;
- 8       (3) Not leave an animal trap unattended for more than a  
9           reasonable time if the caretaker knows that the animal  
10          trap contains a cat or mongoose;
- 11       (4) Have each captured feral cat or mongoose sterilized by  
12          a licensed veterinarian;
- 13       (5) Have the left ear of each sterilized male feral cat  
14          tipped or notched;
- 15       (6) Have the right ear of each sterilized female feral cat  
16          tipped or notched;
- 17       (7) Have each sterilized mongoose appropriately marked in  
18          a manner that signifies that the mongoose has been  
19          sterilized;
- 20       (8) Have each captured feral cat or mongoose:
- 21           (A) Examined and treated for flea infestation; and



- 1 (B) Vaccinated from communicable diseases;
- 2 (9) After following the procedures in paragraphs (4)
- 3 through (8), as applicable, return the cat or mongoose
- 4 to the location where the caretaker initially captured
- 5 the cat or mongoose; and
- 6 (10) Maintain a log of the number of cats or mongooses, or
- 7 both, the caretaker has caused to complete the trap-
- 8 sterilize-return process, and submit a copy of the log
- 9 to the contracted rescue group not less than once per
- 10 month;
- 11 provided that a caretaker shall not be required to comply with
- 12 paragraphs (5) through (8) if compliance is cost-prohibitive.
- 13 (b) A registered caretaker shall be exempt from any
- 14 requirement of subsection (a) if the requirement would adversely
- 15 affect the health of a feral cat or mongoose or if a licensed
- 16 veterinarian determines that a feral cat or mongoose should be
- 17 euthanized because:
- 18 (1) The animal is suffering from an injury, illness, or
- 19 other health problem that severely affects the
- 20 animal's quality of life; and



1 (2) Euthanization is necessary to alleviate the animal's  
2 suffering.

3 (c) A registered caretaker shall comply with:

4 (1) This chapter and rules adopted under this chapter; and

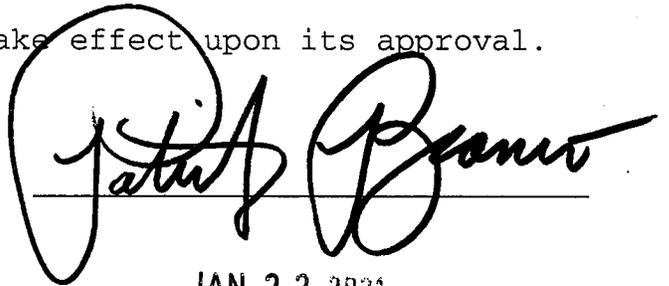
5 (2) All state laws and county ordinances that prohibit  
6 cruelty to animals.

7 § -5 Rules. Not later than January 1, , the  
8 department shall adopt rules, pursuant to chapter 91, necessary  
9 for the purposes of this chapter."

10 SECTION 3. This Act shall take effect upon its approval.

11

INTRODUCED BY:



JAN 22 2021



# H.B. NO. 409

**Report Title:**

DOH; Feral Cats; Mongooses; Sterilization; Animal Rescue Group

**Description:**

Requires the Department of Health to contract with a nonprofit animal rescue group to oversee caretakers of feral cats and mongooses. Exempts registered caretakers of feral cats and mongooses from state laws and county ordinances relating to the feeding and confinement of cats and mongooses. Establishes a trap-sterilize-return process.

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

