

JAN 17 2025

A BILL FOR AN ACT

RELATING TO COMMERCIAL DOG BREEDERS.

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

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PART I

2

SECTION 1. The legislature finds that an estimated

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forty-three per cent of households in Hawaii include a dog. The

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Humane Society of the United States estimates that puppy mills

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in the United States produce approximately two million puppies

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per year for the pet trade. Additionally, revenues from sales

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of dogs in the State may be equal to or exceed \$9,400,000.

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The legislature further finds that a law is needed to

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ensure that dogs at large-scale breeding facilities receive

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sanitary living conditions, proper and timely medical care, the

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ability to move freely at least once per day, and adequate

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shelter from the elements. Existing state and federal laws

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regarding the care and husbandry of dogs inadequately regulate

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large-scale breeding facilities in Hawaii. Inadequate

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regulation places an unfair fiscal burden on the county and

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state taxpayers, government agencies, and nongovernmental



1 organizations, whose resources contribute to the care of dogs
2 discarded or abused by large-scale breeding facilities.

3 Accordingly, the purpose of this part is to:

4 (1) Define a "dog breeder" as any person who owns,
5 possesses, controls, or otherwise has charge or
6 custody of more than ten dogs over the age of twelve
7 months with intact sexual organs, and who sells,
8 barter, or otherwise transfers more than three
9 litters or more than twenty-five dogs per calendar
10 year;

11 (2) Require dog breeders to meet minimum standards of care
12 to ensure the proper treatment and care of the dogs
13 and the dogs' offspring;

14 (3) Prohibit the ownership or custody of more than thirty
15 dogs over the age of one year with intact sexual
16 organs; and

17 (4) Require dog breeders to maintain specific written
18 records of each dog for a specified period.

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



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"CHAPTER

PREVENTION OF CRUELTY TO DOGS

§ -1 Definitions. As used in this chapter:

"Dog" means any animal that is wholly or in part of the subspecies canis lupus familiaris.

"Dog breeder" means any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs over the age of twelve months with intact sexual organs, and who sells, barter, or otherwise transfers more than three litters or more than twenty-five dogs per calendar year.

"Litter" means one or more dogs that are born to the same mother at the same time.

"Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate; provided that the term shall not include:

- (1) An animal control or welfare agency tax exempt under title 26 United States Code section 501(c)(3);
- (2) A person who provides care for dogs at the request of a government agency; or
- (3) A veterinary clinic.



1 "Regular exercise" means providing the dog with constant
2 and unfettered access to an outdoor or indoor exercise area that
3 provides at least four times the square footage of indoor floor
4 space required for each dog pursuant to paragraph (3) of the
5 definition of "sufficient space for movement".

6 "Sufficient food and clean water" means access to adequate
7 amounts of appropriately nutritious food to maintain good
8 health; and continuous access to potable water that is
9 substantially free from debris, feces, algae, and other
10 contaminants.

11 "Sufficient housing or shelter" means constant and
12 unfettered access to an indoor enclosure that:

- 13 (1) Is sufficiently ventilated at all times to minimize
14 odors, drafts, and ammonia levels, and to prevent
15 moisture condensation;
- 16 (2) Has a means of fire suppression, such as functioning
17 fire extinguishers, located within forty feet of the
18 cage or enclosure;
- 19 (3) Has sufficient lighting to allow for observation of
20 the dogs at any time of day or night;



1 (4) Is not placed more than forty-two inches above the
2 floor;

3 (5) Is not stacked or otherwise placed on top of or below
4 another animal's cage or primary enclosure; and

5 (6) Is cleaned at least once a day of feces, hair, dirt,
6 debris, and food waste.

7 "Sufficient space for movement" means the following:

8 (1) Sufficient indoor space for each dog to lie down and
9 fully extend limbs and stretch freely without touching
10 the sides of the enclosure or another dog, and to turn
11 in a complete circle without any impediments,
12 including a tether;

13 (2) At least twelve inches of headroom above the head of
14 the tallest dog in the enclosure when it is in a
15 normal standing position; and

16 (3) A square footage that includes at least:

17 (A) Twelve square feet of indoor floor space for each
18 dog that is not more than twenty-five inches in
19 length;



1 (B) Twenty square feet of indoor floor space for each
2 dog that is not less than twenty-five inches and
3 not more than thirty-five inches in length; and

4 (C) Thirty square feet of indoor floor space for each
5 dog that is more than thirty-five inches in
6 length;

7 provided that the length of the dog shall be measured
8 from the tip of the nose to the base of the tail.

9 "Sufficient veterinary care" means, at minimum:

10 (1) An examination performed at least once a year by a
11 veterinarian licensed under chapter 471;

12 (2) Prompt treatment of any illness or injury by a
13 veterinarian licensed under chapter 471, when needed
14 to prevent suffering; and

15 (3) Humane euthanasia, when needed, by a veterinarian
16 licensed under chapter 471, using lawful techniques
17 deemed acceptable by the American Veterinary Medical
18 Association.

19 § -2 **Limit on number of dogs.** No person shall own,
20 possess, control, or otherwise have charge or custody of more



1 than thirty dogs, with intact sexual organs and over the age of
2 one year, at any time.

3 § -3 **Standard of care; recordkeeping.** (a) A dog
4 breeder shall provide the following for each dog:

- 5 (1) Regular exercise;
- 6 (2) Sufficient food and clean water;
- 7 (3) Sufficient housing or shelter;
- 8 (4) Sufficient space for movement;
- 9 (5) Sufficient veterinary care; and
- 10 (6) A microchip implanted under the skin;

11 provided that no microchip shall be implanted in any dog aged
12 less than four months.

13 (b) No dog breeder shall breed any dog:

- 14 (1) Unless the dog is between the ages of twelve months
15 and eight years of age;
- 16 (2) To produce more than two litters in any eighteen month
17 period; or
- 18 (3) Determined by a veterinarian to be unfit for breeding
19 purposes.

20 (c) A dog breeder shall maintain a record for each dog and
21 the dog's offspring including the following information:



- 1 (1) Each breeding dog shall be identified by the
2 implantation of a microchip, and each dog's health
3 records shall accurately record the appropriate
4 identification;
- 5 (2) All veterinary treatment, including the following:
- 6 (A) A record of each inoculation and de-worming
7 treatment, if any, including the dates and types
8 of treatments administered; and
- 9 (B) A record of any veterinary treatments or
10 medications received;
- 11 (3) The date of birth of the dog or, if the date of birth
12 is unknown, the date the dog breeder acquired
13 possession, control, or charge of the dog and the
14 source of the dog;
- 15 (4) The dates on which the dog has been bred;
- 16 (5) For a female, the number of dogs in each litter
17 produced; and
- 18 (6) The disposition the dog breeder makes of each dog
19 possessed by, controlled by, or in the charge of the
20 dog breeder, including the date of disposition, manner
21 of disposition, and the name and address information



1 for any person taking possession, control or charge of
2 a dog.

3 Records shall be retained for at least three years
4 following the death of the dog or a date on which the dog
5 breeder permanently ceased to have possession or control of the
6 dog.

7 **§ -4 Prohibitions on certain types of dogs in the same**
8 **enclosure.** No dog breeder shall place:

- 9 (1) A dog with a vicious or aggressive disposition in an
10 enclosure with another dog, except for breeding
11 purposes;
- 12 (2) Breeding females in heat in the same enclosure at the
13 same time with sexually mature males, except for
14 breeding purposes;
- 15 (3) Breeding females and their litters in the same
16 enclosure at the same time with other adult dogs; and
- 17 (4) Puppies aged twelve weeks or younger in the same
18 enclosure at the same time with other adult dogs,
19 other than the dam or foster dam, unless under
20 immediate and constant supervision.



1 The legislature further finds the Animal Welfare Act was
2 first enacted by Congress in 1966. This federal law requires
3 licensure and regulation of certain types of businesses that
4 fall under the category of animal dealers. However, the law
5 exempts businesses, such as the Waimanalo puppy mill, that fall
6 under certain categories, including retail pet stores, retail
7 chain stores, hobby breeders, and direct sales.

8 During the regular session of 2011, S.B. No. 1522, S.D. 2,
9 H.D. 1, was introduced and heard throughout the legislative
10 process. This measure proposed that the department of commerce
11 and consumer affairs issue licenses to large-scale dog breeders
12 after the breeders meet certain licensure requirements, and
13 authorized the department's director to enforce the new law.
14 S.C.R. No. 111, S.D. 1, was also adopted during the regular
15 session of 2011. This resolution directed the auditor to
16 conduct a sunrise review of the regulation of large-scale dog
17 breeders and dog breeding facilities, as proposed under S.B.
18 No. 1522, S.D. 2, H.D. 1.

19 In October 2011, the office of the auditor issued its
20 corresponding report. According to the auditor's report, S.B.
21 No. 1522, S.D. 2, H.D. 1, did not meet the criteria for



1 regulation of large-scale dog breeders through the State's
2 regulatory agency. However, the report did cite other
3 alternatives that could be used to protect dogs, including laws
4 in other states, the American Veterinary Medical Association's
5 model law, a county-based regulatory model, and puppy lemon
6 laws.

7 In considering the strengths of various states' laws and
8 the most appropriate structure for regulating dog breeders, the
9 legislature finds merit in authorizing counties to conduct or
10 contract for inspections and to implement minimum requirements
11 for the housing and treatment of breeding dogs. The counties
12 are presently charged with issuing dog licenses and regulating
13 animals pursuant to chapter 143, Hawaii Revised Statutes.

14 The legislature also finds that the local humane societies
15 designated by the counties currently have in place the
16 structure, personnel, and contracts with humane organizations to
17 handle animal control. In contrast, the legislature understands
18 that the department of commerce and consumer affairs is not
19 equipped to administer regulation of animal breeders and
20 recognizes that the department of agriculture's resources are
21 also strained by its existing duties.



1 The legislature additionally finds that there is not
2 reliable information on the number and size of large-scale dog
3 breeders in the State. While it is believed that Oahu has
4 approximately twenty large-scale dog breeders and the island of
5 Hawaii has approximately ten, it is also believed that Maui and
6 Kauai do not have any.

7 The legislature finds that regulation at the county level
8 is the most reasonable approach in addressing dog breeders. The
9 legislature understands that county officials may have concerns
10 associated with the costs and responsibility of regulating dog
11 breeders. However, the legislature notes that the Hawaiian
12 Humane Society on Oahu has indicated a willingness to assist
13 with this responsibility at no extra cost to the State. The
14 legislature hopes that the Hawaiian Humane Society will be
15 equally supportive of dog breeder regulations if handled on a
16 county level.

17 Accordingly, the purpose of this part is to:

- 18 (1) Require the licensing of dog breeders to ensure that
19 every dog under their care is provided with sufficient
20 food and clean water, sufficient shelter from the



1 elements, necessary veterinary care, sufficient space,
2 and regular exercise, among other things;

3 (2) Allow each county or its contracted local humane
4 society the flexibility to assess the county's own
5 situation, determine whether the need for regulation
6 exists, and develop appropriate rules for housing and
7 treatment of dogs by dog breeders, if necessary; and

8 (3) Require each county or its contracted local humane
9 society to assess appropriate license fees for dog
10 breeders and to pursue civil penalties for
11 noncompliant dog breeders.

12 SECTION 4. Chapter 143, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§143- Dog breeders; license required; fees; minimum
16 requirements; premises available for inspection; civil
17 penalties. (a) It shall be unlawful for any person to own or
18 operate as a dog breeder unless the person obtains a valid
19 license as a dog breeder pursuant to this chapter.

20 (b) Each county council shall have the power to fix
21 license fees for dog breeders on a biennial basis. Until and



1 unless otherwise provided by ordinance, the biennial license fee
2 for each dog breeder shall be \$500. Any person operating as a
3 dog breeder shall pay the license fee to the director of finance
4 of the county in which the breeder operation is located. The
5 license fee shall be due and payable on January 2 of every
6 second year and shall be paid before March 11 of every second
7 year, or within thirty days after becoming subject to this
8 chapter. The full amount of the fee shall be paid for any
9 fraction of the license period for which a license is issued.
10 All moneys received by the director of finance under this
11 chapter shall be paid into the general fund of each county.

12 (c) The minimum standards regarding the care, treatment,
13 and proper recordkeeping requirements in dog breeding operations
14 shall be the same as prescribed under section -3.

15 (d) A dog breeder licensee shall make its premises
16 available for unannounced inspection by the county or the
17 county's contracted designee, pursuant to section 143-15, during
18 regular business hours.

19 (e) Any person who operates as a dog breeder without a
20 license shall be subject to a civil penalty of up to \$1,000;
21 provided that each day of a violation shall be considered a



1 separate offense. Any failure to comply with the standards and
2 recordkeeping requirements prescribed under section -3 shall
3 be subject to a civil penalty of up to \$1,000 for each
4 violation."

5 SECTION 5. Section 143-1, Hawaii Revised Statutes, is
6 amended by adding three new definitions to be appropriately
7 inserted and to read as follows:

8 "Dog breeder" means any person who owns, possesses,
9 controls, or otherwise has charge or custody of more than ten
10 dogs over the age of twelve months with intact sexual organs,
11 and who sells, barter, or otherwise transfers more than three
12 litters or more than twenty-five dogs per calendar year.

13 "Person" means any individual, firm, partnership, joint
14 venture, association, limited liability company, corporation,
15 estate, trust, receiver, or syndicate; provided that the term
16 shall not include:

- 17 (1) An animal control or welfare agency tax exempt under
18 title 26 United States Code section 501(c)(3);
19 (2) A person who provides care for dogs at the request of
20 a government agency; or
21 (3) A veterinary clinic.



1 "Premises" means the location of property, whether private
2 or public, upon which buildings, yards, kennels, pens, and cages
3 are used by a dog breeder in the usual course of business."

4 SECTION 6. Section 143-15, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§143-15 Contracts for seizing and impounding dogs.** Any
7 county may contract with any society or organization formed for
8 the prevention of cruelty to animals, or similar dog protective
9 organization, for ~~[the]~~:

10 (1) The seizure and impounding of all unlicensed dogs,
11 [and for the] dogs owned by a dog breeder not in
12 compliance with this chapter and any rules adopted
13 pursuant to this chapter, and dogs owned by a person
14 acting in the capacity of or engaged in the business
15 of a dog breeder within the county without a dog
16 breeder license obtained under and in compliance with
17 this chapter and any rules adopted pursuant to this
18 chapter;

19 (2) The maintenance of a shelter or pound for [unlicensed]
20 seized dogs, and for lost, strayed, and homeless
21 dogs [~~, and for the~~]; and



S.B. NO. 593

Report Title:

Animal Cruelty; Dog Breeders; Licensing; Penalties; Counties

Description:

Defines a "dog breeder" as any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs over the age of twelve months with intact sexual organs, and who sells, barter, or otherwise transfers more than three litters or more than twenty-five dogs per calendar year. Requires dog breeders to meet minimum standards of care and not place certain types of dogs in the same enclosure to ensure the proper treatment and care of dogs and the dogs' offspring. Prohibits any person from owning or having custody of more than thirty dogs over one year with intact sexual organs. Requires dog breeders to maintain specific written records for each dog for a specified period. Authorizes each county to assess, implement, and enforce its own licensing system. Establishes civil and criminal penalties for violations.

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

