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# A BILL FOR AN ACT

RELATING TO COMMERCIAL DOG BREEDERS.

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

PART I

SECTION 1. The legislature finds that an estimated forty-three per cent of households in Hawaii include a dog. The Humane Society of the United States estimates that puppy mills in the United States produce approximately two million puppies per year for the pet trade. Additionally, revenues from sales of dogs in the State may be equal to or exceed \$9,400,000.

The legislature further finds that a law is needed to ensure that dogs at large-scale breeding facilities receive sanitary living conditions, proper and timely medical care, the ability to move freely at least once per day, and adequate shelter from the elements. Existing state and federal laws regarding the care and husbandry of dogs inadequately regulate large-scale breeding facilities in Hawaii. Inadequate regulation places an unfair fiscal burden on the county and 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 and 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:



1 "CHAPTER

2 PREVENTION OF CRUELTY TO DOGS

3 § -1 Definitions. As used in this chapter:

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

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

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

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 "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;



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

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

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

"Sufficient veterinary care" means, at minimum:

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

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

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

§ -2 **Limit on number of dogs.** No person shall own, 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       §    **-5   Penalty.** Any person who violates  
2 section     -2,     -3, or     -4 shall be guilty of a misdemeanor.  
3 Each violation shall constitute a separate offense. If the  
4 circumstances warrant a charge of cruelty to animals in the  
5 second degree prescribed under section 711-1109, the defendant  
6 may be charged with violating that section instead.

7       §    **-6   Severability.** Any violation of  
8 section     -2,     -3, or     -4 shall be in addition to and not  
9 in lieu of any other state and federal laws protecting animal  
10 welfare. Sections    -2,    -3, and    -4 shall not be  
11 construed to limit any state law, rule, or regulation protecting  
12 the welfare of animals, nor shall anything in these sections  
13 prevent a local governing body from adopting and enforcing its  
14 own animal welfare laws and regulations in addition to these  
15 sections."

16                                   PART II

17       SECTION 3. The legislature finds that the State does not  
18 currently regulate the breeding of dogs. However, in early  
19 2011, the discovery of a puppy mill in Waimanalo focused  
20 attention on dog breeders and the potential for cruel and  
21 inhumane conditions.



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



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

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

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

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

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

(b) Each county council shall have the power to fix  
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 and 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



1        (3)    The destruction or other disposition of seized dogs  
2                not redeemed as provided in this chapter.

3    The county may prescribe in the contract the manner in which the  
4    work is to be done by the society or organization and it may  
5    also direct the disposition to be made of all dogs seized  
6    pursuant to this chapter."

## 7 PART III

SECTION 7. This Act does not affect rights and duties that  
matured, penalties that were incurred, and proceedings that were  
begun before its effective date.

11           SECTION 8. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

**13** SECTION 9. This Act shall take effect on July 1, 2050.



**Report Title:**

Animal Cruelty; Commercial Dog Breeders; Licensing; Regulations; 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 and 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. Effective 7/1/2050. (SD1)

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

