

1 estate, trust, receiver, or syndicate; provided that "person"
2 shall not include:

3 (1) An animal control or welfare agency tax exempt under
4 title 26 United States Code section 501(c)(3);

5 (2) A person who provides care for dogs at the request of
6 a government agency; or

7 (3) A veterinary clinic.

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

13 "Sufficient food and clean water" means access to adequate
14 amounts of appropriately nutritious food to maintain good
15 health; and continuous access to potable water that is
16 substantially free from debris, feces, algae, and other
17 contaminants.

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



- 1 (1) Is sufficiently ventilated at all times to minimize
2 odors, drafts, and ammonia levels, and to prevent
3 moisture condensation;
- 4 (2) Has a means of fire suppression, such as functioning
5 fire extinguishers, located within forty feet of the
6 cage or enclosure;
- 7 (3) Has sufficient lighting to allow for observation of
8 the dogs at any time of day or night;
- 9 (4) Is not placed more than forty-two inches above the
10 floor;
- 11 (5) Is not stacked or otherwise placed on top of or below
12 another animal's cage or primary enclosure; and
- 13 (6) Is cleaned at least once a day of feces, hair, dirt,
14 debris, and food waste.

15 "Sufficient space for movement" means the following:

- 16 (1) Sufficient indoor space for each dog to lie down and
17 fully extend limbs and stretch freely without touching
18 the sides of the enclosure or another dog, and to turn
19 in a complete circle without any impediments,
20 including a tether;

- 1 (2) At least twelve inches of headroom above the head of
2 the tallest dog in the enclosure when it is in a
3 normal standing position; and
- 4 (3) A square footage that includes at least:
- 5 (A) Twelve square feet of indoor floor space for each
6 dog that is not more than twenty-five inches in
7 length;
- 8 (B) Twenty square feet of indoor floor space for each
9 dog that is not less than twenty-five inches and
10 not more than thirty-five inches in length; and
- 11 (C) Thirty square feet of indoor floor space for each
12 dog that is more than thirty-five inches in
13 length;
- 14 provided that the length of the dog shall be measured
15 from the tip of the nose to the base of the tail.
- 16 "Sufficient veterinary care" means, at minimum:
- 17 (1) An examination performed at least once a year by a
18 veterinarian licensed under chapter 471;
- 19 (2) Prompt treatment of any illness or injury by a
20 veterinarian licensed under chapter 471, when needed
21 to prevent suffering; and



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

5 § -2 **Limit on number of dogs.** No person shall own,
6 possess, control, or otherwise have charge or custody of more
7 than thirty dogs, with intact sexual organs and over the age of
8 one year, at any time.

9 § -3 **Standard of care; recordkeeping.** (a) A dog
10 breeder shall provide the following for each dog:

- 11 (1) Regular exercise;
- 12 (2) Sufficient food and clean water;
- 13 (3) Sufficient housing or shelter;
- 14 (4) Sufficient space for movement;
- 15 (5) Sufficient veterinary care; and
- 16 (6) A microchip implanted under the skin;

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

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

- 20 (1) Unless the dog is between the ages of twelve months
21 and eight years of age;



- 1 (2) To produce more than two litters in any eighteen-month
2 period; or
- 3 (3) Determined by a veterinarian to be unfit for breeding
4 purposes.
- 5 (c) A dog breeder shall maintain a record for each dog and
6 the dog's offspring including the following information:
- 7 (1) Each breeding dog shall be identified by the
8 implantation of a microchip, and each dog's health
9 records shall accurately record the appropriate
10 identification;
- 11 (2) All veterinary treatment, including the following:
- 12 (A) A record of each inoculation and de-worming
13 treatment, if any, including the dates and types
14 of treatments administered; and
- 15 (B) A record of any veterinary treatments or
16 medications received;
- 17 (3) The date of birth of the dog or, if the date of birth
18 is unknown, the date the dog breeder acquired
19 possession, control, or charge of the dog and the
20 source of the dog;
- 21 (4) The dates on which the dog has been bred;



- 1 (5) For a female, the number of dogs in each litter
2 produced; and
- 3 (6) The disposition the dog breeder makes of each dog
4 possessed by, controlled by, or in the charge of the
5 dog breeder, including the date of disposition, manner
6 of disposition, and the name and address information
7 for any person taking possession, control, or charge
8 of a dog.

9 Records shall be retained for at least three years
10 following the death of the dog or a date on which the dog
11 breeder permanently ceased to have possession or control of the
12 dog.

13 **§ -4 Prohibitions on certain types of dogs in the same**
14 **enclosure.** No dog breeder shall place:

- 15 (1) A dog with a vicious or aggressive disposition in an
16 enclosure with another dog, except for breeding
17 purposes;
- 18 (2) Breeding females in heat in the same enclosure at the
19 same time with sexually mature males, except for
20 breeding purposes;



1 (3) Breeding females and their litters in the same
2 enclosure at the same time with other adult dogs; and

3 (4) Puppies aged twelve weeks or younger in the same
4 enclosure at the same time with other adult dogs,
5 other than the dam or foster dam, unless under
6 immediate and constant supervision.

7 § -5 **Penalty.** Any person who violates
8 section -2, -3, or -4 shall be guilty of a misdemeanor.
9 Each violation shall constitute a separate offense. If the
10 circumstances warrant a charge of cruelty to animals in the
11 second degree prescribed under section 711-1109, the defendant
12 may be charged with violating that section instead.

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



1 SECTION 2. Chapter 143, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§143- Dog breeders; license required; fees; minimum
5 requirements; premises available for inspection; civil

6 penalties. (a) It shall be unlawful for any person to own or
7 operate as a dog breeder unless the person obtains a valid
8 license as a dog breeder pursuant to this chapter.

9 (b) Each county council shall have the power to fix
10 license fees for dog breeders on a biennial basis. Until and
11 unless otherwise provided by ordinance, the biennial license fee
12 for each dog breeder shall be \$. Any person operating
13 as a dog breeder shall pay the license fee to the director of
14 finance of the county in which the breeder operation is located.
15 The license fee shall be due and payable on January 2 of every
16 second year and shall be paid before March 11 of every second
17 year, or within thirty days after becoming subject to this
18 chapter. The full amount of the fee shall be paid for any
19 fraction of the license period for which a license is issued.
20 All moneys received by the director of finance under this
21 chapter shall be paid into the general fund of each county.



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

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

8 (e) Any person who operates as a dog breeder without a
9 license shall be subject to a civil penalty of up to \$1,000;
10 provided that each day of a violation shall be considered a
11 separate offense. Any failure to comply with the standards and
12 recordkeeping requirements prescribed under section -3 shall
13 be subject to a civil penalty of up to \$1,000 for each
14 violation."

15 SECTION 3. Section 143-1, Hawaii Revised Statutes, is
16 amended by adding three new definitions to be appropriately
17 inserted and to read as follows:

18 "Dog breeder" means any person who owns, possesses,
19 controls, or otherwise has charge or custody of more than ten
20 dogs over the age of twelve months with intact sexual organs,



1 and who sells, barters, or otherwise transfers more than three
2 litters and more than twenty-five dogs per calendar year.

3 "Person" means any individual, firm, partnership, joint
4 venture, association, limited liability company, corporation,
5 estate, trust, receiver, or syndicate; provided that "person"
6 shall not include:

7 (1) An animal control or welfare agency tax exempt under
8 title 26 United States Code section 501(c) (3);

9 (2) A person who provides care for dogs at the request of
10 a government agency; or

11 (3) A veterinary clinic.

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

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

17 **"§143-15 Contracts for seizing and impounding dogs.** Any
18 county may contract with any society or organization formed for
19 the prevention of cruelty to animals, or similar dog protective
20 organization, for [the]:



- 1 (1) The seizure and impounding of all unlicensed dogs,
2 [and for the] dogs owned by a dog breeder not in
3 compliance with this chapter and any rules adopted
4 pursuant to this chapter, and dogs owned by a person
5 acting in the capacity of or engaged in the business
6 of a dog breeder within the county without a dog
7 breeder license obtained under and in compliance with
8 this chapter and any rules adopted pursuant to this
9 chapter;
- 10 (2) The maintenance of a shelter or pound for [unlicensed]
11 seized dogs, and for lost, strayed, and homeless dogs,
12 [and for the]; and
- 13 (3) The destruction or other disposition of seized dogs
14 not redeemed as provided in this chapter.
- 15 The county may prescribe in the contract the manner in which the
16 work is to be done by the society or organization and it may
17 also direct the disposition to be made of all dogs seized
18 pursuant to this chapter."
- 19 SECTION 5. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Counties; Animal Cruelty; Commercial Dog Breeders; Licensing; Regulations; Penalties

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 for dog breeders. Establishes civil 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.

