

ACT 153

H.B. NO. 2216-86

A Bill for an Act Relating to Veterinary Medicine.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 471, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated to read as follows:

“§471- Criminal penalties. Any person convicted of violating section 471-2 shall have committed a misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both.

Additionally, all tools, implements, appliances, medicine, and drugs used in the practice of veterinary medicine by any person convicted of practicing veterinary medicine without a license shall be declared forfeited to the State by

the court and turned over to the board for disposition as it may choose to make.”

SECTION 2. Chapter 471, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§471- Cumulative penalties. Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State.”

SECTION 3. Section 471-10, Hawaii Revised Statutes, is amended to read as follows:

“§471-10 Refusal to grant and revocation or suspension of license. (a) The board [of veterinary examinations] may refuse to grant, renew, reinstate or restore a license for any cause which would be ground for revocation of a license under this section. [The board may, nevertheless, renew, reinstate or restore any license when it determines that such action is just and may be done consistently with the accomplishment of the purpose of this chapter which is hereby declared to be the protection of the public in matters relating to the practice of veterinary medicine.]

(b) [Revocation and suspension.] The board may revoke or suspend the license of any veterinarian or fine the licensee, or both, for any of the following causes:

- (1) Professional misconduct, gross negligence, or manifest incapacity;
- (2) Violation of this chapter or the rules adopted pursuant thereto or any other law which applies to [him] the licensee as a practicing veterinarian;
- (3) Making any false representations or promises through advertising or otherwise [or in any manner dealing fraudulently or dishonestly in connection with the practice of veterinary medicine];
- (4) Habitual intemperance in the use of alcoholic beverages or addiction to the use of narcotic or dangerous substances;
- (5) Mental incompetence[.];
- (6) Any fraudulent, dishonest, or deceitful act in connection with the practice of veterinary medicine;
- (7) Making a false statement in any document submitted or required to be filed by this chapter;
- (8) Revocation, suspension, or other disciplinary action by another state of a license or certificate for reasons as provided in this section;
- (9) Conviction, whether by nolo contendere or otherwise, or a penal offense substantially related to the qualifications, functions, or duties of a veterinarian, notwithstanding any statutory provision to the contrary;
- (10) Violation of chapter 329, uniform controlled substance act, or any rule adopted thereto; or
- (11) Failure to report any disciplinary action taken against a licensee in another jurisdiction within thirty days after the disciplinary action becomes final.

[No license shall be suspended for longer than two years.]”

SECTION 4. Section 471-13, Hawaii Revised Statutes, is amended to read as follows:

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“~~§471-13 [Penalties.] Violations; penalties.~~ Any person [violating this chapter shall be fined not more than \$500, or imprisoned not more than six months, or both.] who violates or fails to comply with any provision of this chapter shall be fined not more than \$5,000 for each violation. Each day that the person is in violation of section 471-2 shall be a separate violation for the purposes of this section.

[All tools, implements, appliances, medicine, and drugs used in the practice of veterinary medicine by any person convicted of practicing veterinary medicine without a license shall be declared forfeited to the State by the court and turned over to the board of veterinary examiners for such disposition as it may choose to make.]”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval.

(Approved May 13, 1986.)

Note

1. Edited pursuant to HRS §23G-16.5.