

ACT 5

S.B. NO. 1387

A Bill for an Act Relating to Microchip Identification.

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

SECTION 1. The legislature finds that one in three pets will become lost during its lifetime. Sadly, ninety per cent of these pets will not return home unless the pet is equipped with some sort of identification. Across the nation,

1,500,000 stray animals are euthanized by animal shelters and animal control contractors. Microchip identification can save the lives of these pets.

Today, national microchip registration companies provide a more affordable and effective alternative for pet owners looking for their lost pets. The legislature further finds that microchip identification is the single most effective way of returning lost pets to their owners. A microchip is about the size of a grain of rice and implanted beneath the pet's skin between the shoulders. It contains a unique number used to identify animals, which can be scanned and then used to find the owner's contact information in a registry. Found pets can be taken to a veterinary office, rescue organization or shelter, or even a pet store to have the pet checked for a microchip.

With support from social media, individuals with personal scanners are available in every community and can respond to found pet alerts posted on pet pages. National registries, such as the nonprofit Found Animals organization, then send a voicemail, text message, and electronic mail alert to owners when their pet is found. The pet owner is then provided with the contact information of the rescuer or finder. These support networks allow finders to directly return lost pets to their owners in the communities in which they live, since lost pets are most often found within a mile of their home.

The legislature also finds that this streamlined process effectively bypasses the need for animal control, saves taxpayer money by eliminating the cost of intake and boarding, and avoids the delays and additional stress on the pet from sitting alone in a kennel waiting for its owner.

Therefore, the purpose of this Act is to save pets' lives by requiring dog and cat owners to microchip their pets.

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

“§143- Microchip identification. (a) An owner shall have a microchip implanted in the owner's dog or cat, and the owner shall register the microchip number and the owner's contact information with a microchip registration company.

(b) When the contact information of the owner of a dog or cat changes, the owner shall provide the new contact information to the applicable microchip registration company no later than thirty days after the change in contact information occurs.

(c) When the owner of a dog or cat transfers ownership to another owner:

- (1) The former owner shall inform the new owner of the microchip registration company with which the dog's or cat's microchip is registered; and
- (2) The new owner shall provide the microchip registration company with the new owner's contact information no later than thirty days after the transfer of ownership occurs.

(d) Each animal control contractor or nonprofit animal rescue organization shall implant a microchip in all stray dogs and cats in its custody that do not have a microchip.

(e) All animal control contractors shall activate the microchip registration company's found pet alerts to notify owners whose pets' microchips are registered with that company if the pet is found and the owner is not present.

(f) Veterinary clinics, animal shelters, and other animal rescue organizations that scan found pets for microchips shall release only the chip identification number to the finder upon request.

(g) Nothing in this section shall be construed to apply to animals being cared for as part of a designated population management program.

(h) As used in this section, “owner” means any person owning, harboring, or keeping a dog or cat; providing care or sustenance for a dog or cat; or having custody of a dog or cat, whether temporarily or permanently. “Owner” does not include the animal quarantine branch or plant quarantine branch of the department of agriculture.”

SECTION 3. Section 143-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Microchip” or “microchip identification” means a device that is implanted under the skin of an animal and that contains contact information for the owner of the animal.”

SECTION 4. Section 143-2, Hawaii Revised Statutes, is amended to read as follows:

“§143-2 License or microchip required. It shall be unlawful for any person to own or harbor a ~~[dog]~~:

- (1) Dog unless the dog is licensed and has been implanted with a microchip identification as provided by this chapter[-]; provided that the ~~[legislative bodies of the several]~~ counties may, by ordinance, dispense with or modify the licensing requirements of this chapter[-. This]; provided further that this chapter shall not apply to dogs under the age of three months ~~[which do not run at large, dogs in quarantine and]~~ or dogs brought into the State exclusively for the purpose of entering them in a dog show or ~~[dog]~~ exhibition and not allowed to run at large[-]; or
- (2) Cat unless the cat has been implanted with a microchip identification as provided by this chapter; provided that this chapter shall not apply to cats under the age of three months or cats brought into the State exclusively for the purpose of entering them in a cat show or exhibition and not allowed to run at large.”¹

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 7. This Act shall take effect on January 1, 2022.

(Vetoed by Governor and veto overridden by Legislature on July 6, 2021.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.