
A BILL FOR AN ACT

RELATING TO DOGS.

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

1 SECTION 1. The legislature finds that Hawaii does not
2 currently regulate the large-scale breeding of dogs. This lack
3 of regulation may result in the breeding of dogs in a cruel and
4 inhumane manner under conditions that can inflict long-term
5 suffering on dogs and may also lead to the sale of unhealthy
6 dogs to unsuspecting consumers.

7 The legislature further finds that there is a need to
8 regulate large-scale dog breeding operations and facilities in
9 order to protect the public as well as prevent cruel treatment
10 of the dogs. The purpose of regulation is to ensure that:

11 (1) All dogs that are handled by large-scale breeders are
12 provided with humane care and treatment in their
13 transportation, sale, purchase, housing, care, and
14 handling by persons or organizations engaged in
15 breeding dogs;

16 (2) The public is protected from purchasing dogs that have
17 been raised in an inhumane manner and may be
18 unhealthy; and



1 (3) Each dog bred commercially is provided with basic food
2 and water, adequate shelter from the elements,
3 necessary veterinary care, adequate space, and regular
4 exercise.

5 The purpose of this Act is to require the licensing of
6 large-scale breeders to ensure that every dog under their care
7 is provided with basic food and water, adequate shelter from the
8 elements, necessary veterinarian care, adequate space, and
9 regular exercise.

10 SECTION 2. The Hawaii Revised Statutes is amended by
11 adding a new chapter to be appropriately designated and to read
12 as follows:

13 "CHAPTER

14 LARGE-SCALE DOG BREEDER REGULATION

15 § -A Definitions. As used in this chapter:

16 "Department" means the department of commerce and consumer
17 affairs.

18 "Director" means the director of commerce and consumer
19 affairs.

20 "Dog" means any animal that is wholly or in part of the
21 species canis familiaris.



1 "Large-scale dog breeder" means a person who, for
2 compensation or profit, sells or offers for sale, exchange, or
3 lease, via any means of conveyance including the Internet,
4 newspaper, or telephone, twenty-five or more of the offspring of
5 breeding female dogs in any one-year period and is engaged in
6 the business of breeding intact female dogs; owns or harbors
7 twenty or more intact female dogs over six months of age that
8 are intended for breeding; or owns or harbors a total of thirty
9 intact dogs over the age of six months that are intended for
10 breeding on the premises.

11 "License" means a large-scale dog breeder license issued
12 under this chapter.

13 "Licensee" means a person licensed under this chapter.

14 "Necessary veterinary care" means, as applicable, an
15 examination at least once yearly, prompt treatment of any
16 illness or injury, or humane euthanasia by a veterinarian
17 licensed under chapter 471 using lawful techniques deemed
18 acceptable by the American Veterinary Medical Association.

19 "Premises" means property, whether private or public, upon
20 which buildings, yards, kennels, pens, and cages used by the
21 owner of a dog breeding operation in the usual course of
22 business are located.



1 "Regular exercise" means constant and unfettered access to
2 an outdoor exercise area that is composed of a solid, ground
3 level surface with adequate drainage; provides some protection
4 against sun, wind, and rain; and provides each dog with at least
5 twice the square footage of the indoor floor space provided to
6 that dog.

7 "Sufficient food and clean water" means access at least
8 once a day to appropriate nutritious food sufficient to maintain
9 good health and continuous access to potable water that is free
10 of debris, feces, algae, and other contaminants.

11 "Sufficient housing, including protection from the
12 elements" means a constant and unfettered access to an indoor
13 enclosure that has a solid floor that is not stacked or
14 otherwise placed on top of or below another animal's enclosure;
15 is cleaned of waste at least once a day while the dog is outside
16 the enclosure; and does not rise above eighty-five degrees
17 Fahrenheit indoors.

18 "Sufficient space to turn and stretch freely, lie down, and
19 fully extend its limbs" means having:

20 (1) Sufficient indoor space for each dog to turn in a
21 complete circle without any impediment, including a
22 tether;



1 (2) Enough indoor space for each dog to lie down and fully
2 extend the limbs and stretch freely without touching
3 the side of an enclosure or another dog;

4 (3) At least one foot of headroom above the head of the
5 tallest dog in the enclosure; and

6 (4) At least:

7 (A) Twelve square feet of indoor floor space per dog
8 up to twenty-five inches long;

9 (B) Twenty square feet of indoor floor space per dog
10 between twenty-five and thirty-five inches long;
11 and

12 (C) Thirty square feet of indoor floor space per dog
13 for dogs thirty-five inches and longer;
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 § -B License required. No person shall operate as a
17 large-scale dog breeder unless the person obtains an appropriate
18 license as a large-scale dog breeder and obtains prior approval
19 of the appropriate county department of planning and permitting.

20 § -C License requirements; fees; renewal; premises
21 available for inspection. (a) An applicant for a large-scale
22 dog breeder license shall submit an application to the



1 department on a form prescribed by the department, together with
2 the annual license fee as established by a fee schedule adopted
3 by the department by rule pursuant to chapter 91. Upon receipt
4 of the application and annual license fee and upon satisfactory
5 completion of a license qualifying inspection under section -
6 D, the department shall issue a license. A license shall not be
7 transferable to another person or location.

8 (b) A license shall be renewable by filing with the
9 department on or before December 31 of each year a renewal
10 application on forms prescribed by the department and submitting
11 the annual license fee.

12 (c) A licensee shall make its premises available for
13 unannounced inspection by the director or the director's
14 designee during regular business hours.

15 § -D **Inspections; investigations; access.** (a) The
16 director may undertake any investigation necessary to ensure
17 compliance with this chapter, including a license qualifying
18 inspection. At any time during regular business hours, the
19 director or any enforcement officer employed by the department
20 shall have free and unimpeded access for the purpose of carrying
21 out any provision of this chapter or any rule adopted pursuant
22 to this chapter:



1 (1) To those portions of all buildings, yards, pens, and
2 other areas in which any dogs are kept, handled, or
3 transported; and

4 (2) To all records required to be kept by this chapter,
5 including copies of records.

6 (b) After the denial, suspension, or revocation of a
7 license, the director shall have free and unimpeded access to
8 the premises and other areas in which dogs are suspected of
9 being kept, handled, or transported without the appropriate
10 license and to all records that are reasonably necessary to
11 verify that the operation of a large-scale dog breeding
12 operation has ceased.

13 (c) The director shall have authority to administer oaths
14 and take statements, issue subpoenas requiring the attendance of
15 witnesses, and require the production of all books, memoranda,
16 papers, and other documents, articles, or instruments, and to
17 compel the disclosure by a witness of all facts known to the
18 witness relative to any matters under investigation. Upon the
19 failure or refusal of any witness to obey a subpoena issued by
20 the director, the attorney general may petition the district
21 court and, upon a proper showing, the court may enter an order
22 compelling the witness to appear and testify or produce



1 documentary evidence. Failure to obey an order of the court
2 shall be punishable as contempt of court.

3 **§ -E Requirements for humane breeding.** (a) A licensee
4 shall ensure that every dog under the licensee's care is
5 provided with:

6 (1) Necessary veterinary care;

7 (2) Regular exercise;

8 (3) Sufficient food and clean water;

9 (4) Sufficient housing, including protection from the
10 elements; and

11 (5) Sufficient space to turn and stretch freely, lie down,
12 and fully extend its limbs,

13 as defined in section -A.

14 (b) A licensee shall be subject to a citation issued by
15 the director for a violation of this section for each affected
16 dog.

17 **§ -F Enforcement.** (a) The director or the director's
18 designee shall enforce the provisions of this chapter. Whenever
19 the director has reasonable cause to believe that a violation of
20 any provision of this chapter or any rule adopted pursuant to
21 this chapter has occurred and immediate enforcement is deemed
22 necessary, the director may issue a cease-and-desist order,



1 requiring any person to cease violating any provision of this
2 chapter or any rule adopted pursuant to this chapter. A cease-
3 and-desist order issued pursuant to this subsection shall set
4 forth the provisions alleged to have been violated, the facts
5 alleged to have constituted the violation, and the requirement
6 that all unlawful actions cease. At any time after service of
7 the order to cease and desist, the person subject to the order
8 may request a prompt hearing to determine whether or not a
9 violation has occurred.

10 (b) If any person fails to comply with a cease-and-desist
11 order within twenty-four hours, the director may bring a suit
12 for a temporary restraining order and for injunctive relief to
13 prevent any further or continued violation of this chapter.

14 (c) No stay of a cease-and-desist order shall be issued
15 before a hearing on the order involving both parties.

16 (d) Whenever the director possesses sufficient evidence to
17 indicate that any person has engaged in or is about to engage in
18 any act or practice constituting a violation of any provision of
19 this chapter or any rule adopted pursuant to this chapter, the
20 director may apply to any court of competent jurisdiction to
21 temporarily or permanently restrain or enjoin the act or
22 practice in question and to enforce compliance with this chapter



1 or any rule or order issued pursuant to this chapter. In an
2 action pursuant to this subsection, the director shall not be
3 required to plead or prove irreparable injury or the inadequacy
4 of the remedy at law. Under no circumstances shall the court
5 require the director to post a bond.

6 § -G Rules. The director shall adopt rules pursuant to
7 chapter 91 necessary for the purposes of this chapter.

8 § -H Civil penalties. (a) Any person who operates as a
9 large-scale dog breeder without a license shall be subject to a
10 civil penalty of up to \$1,000, as determined by the director;
11 provided that each day of a violation shall be considered a
12 separate offense. Any person who violates section -E shall
13 be subject to a civil penalty of up to \$1,000, as determined by
14 the director, for each citation.

15 (b) No civil penalty shall be imposed unless the person
16 charged is given notice and opportunity for a hearing.

17 (c) If the director is unable to collect a civil penalty
18 or if any person fails to pay all or a set portion of the civil
19 penalty imposed by the director, the director may:

20 (1) Bring suit to recover the amount of the civil penalty
21 plus costs and attorney fees by action in any court of
22 competent jurisdiction; or



1 (2) Refuse to renew the person's license.

2 § -I **Criminal penalties.** In addition to the civil
3 penalties provided under section -H, any person who operates
4 as a large-scale dog breeder without a license or who violates
5 section -E shall be guilty of a misdemeanor.

6 § -J **Prohibited acts.** (a) Unless otherwise authorized
7 by law, it shall be a violation of this chapter for any person
8 or entity:

- 9 (1) To perform any of the acts of a large-scale dog
10 breeder for which licensure is required without
11 possessing a valid license;
- 12 (2) To solicit, advertise, or offer to perform any of the
13 acts for which licensure as a large-scale dog breeder
14 is required without possessing a valid license;
- 15 (3) To refuse to comply with a cease-and-desist order
16 issued pursuant to section -F;
- 17 (4) To refuse or fail to comply with the provisions of
18 this chapter;
- 19 (5) To make a material misstatement in a license
20 application, a license renewal application, or to the
21 department during an official investigation;



- 1 (6) To impersonate any state, county, city and county, or
2 municipal official or inspector;
- 3 (7) To refuse or fail to comply with any rules adopted by
4 the department pursuant to this chapter or any lawful
5 order issued by the director;
- 6 (8) To aid or abet another in any violation of this
7 chapter or any rule adopted by the director pursuant
8 to this chapter; or
- 9 (9) To alter or falsify a certificate of veterinary
10 inspection or any other certificate of veterinary
11 health.
- 12 (b) It shall be a violation of this chapter for any large-
13 scale dog breeder:
- 14 (1) To refuse to permit entry or inspection in accordance
15 with section -D;
- 16 (2) To allow a license issued pursuant to this chapter to
17 be used by an unlicensed person;
- 18 (3) To make any misrepresentation or false promise through
19 advertisements, employees, agents, or otherwise in
20 connection with the business operations licensed
21 pursuant to this chapter or for which an application
22 for a license is pending;



1 (4) To fail to take reasonable care to release for sale,
2 trade, or adoption only those dogs that are free of
3 undisclosed disease, injury, or abnormality; or

4 (5) To own or harbor more than fifty intact dogs on a
5 premises subject to this chapter.

6 (c) Any person who violates this section shall be subject
7 to a fine of \$."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. In codifying this Act, the revisor shall
12 substitute appropriate section numbers for the letter
13 designations in section 2 of this Act.

14 SECTION 5. This Act, upon its approval, shall take effect
15 on July 1, 2012.

16



Report Title:

Dogs; Large-Scale Dog Breeding; Regulation

Description:

Establishes requirements for licensure and regulation of large-scale dog breeders. Effective 7/1/2012. (SD1)

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

