A BILL FOR AN ACT

RELATING TO ANIMALS.

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

SECTION 1. The legislature finds that the State's pet overpopulation issue must be addressed. Every year, thousands of unwanted animals arrive at state animal shelters and rescue organizations. The Hawaiian Humane Society alone receives approximately ten thousand unwanted dogs and puppies each year. Sadly, this is a national trend - approximately two million homeless pets are euthanized in the United States every year.

The legislature further finds that animals sold in pet stores are often obtained from unregulated commercial breeders who do not provide sanitary and humane living conditions for the animals. Additionally, many of the puppies sold in pet stores are obtained from mass breeding operations known as puppy mills. In Hawaii, these puppy mills are often hidden from public-view, on lands that are designated for agricultural use and exempt from a law that limits dog ownership to a maximum of ten dogs.

The legislature also finds that there are responsible and ethical breeders who only sell animals directly to private
individuals. These breeders often spend more time and resources on their animals than other breeders, and they play an important role in maintaining healthy lines for pure bred animals. Therefore, it is not the legislature's intent that this Act impact these ethical and responsible breeders.

The purpose of this Act is to encourage animal adoption and prohibit pet stores from selling dogs, cats, and rabbits unless the animal was obtained from certain humane sources.

SECTION 2. Chapter 142, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§142- Sales of dogs, cats, and rabbits in pet stores.

(a) A pet store operator shall not sell a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from:

(1) An animal control officer;

(2) A duly incorporated humane society;

(3) A duly incorporated society for the prevention of cruelty to animals; or

(4) A rescue group that is in a cooperative agreement with at least one of the following:
(A) A governmental entity; or

(B) Any person or entity meeting the description under paragraph (1), (2), or (3).

(b) Each pet store operator shall maintain records sufficient to document the source of each dog, cat, or rabbit obtained by the pet store, for at least one year following the date that the pet store obtained the animal.

c) Each pet store operator shall post, in a conspicuous location on the cage or enclosure of each dog, cat, or rabbit offered for sale, a sign displaying the name and address of the person or entity listed under section (a)(1) through (4) from which the pet store obtained the dog, cat, or rabbit.

d) A pet store operator that violates this section shall be subject to a civil penalty of $500. Each animal offered for sale in violation of this section shall constitute a separate violation.

e) Upon request from the department, a pet store operator engaged in the sale of dogs, cats, or rabbits shall provide the records maintained under subsection (b).

(f) The department may adopt rules pursuant to chapter 91 necessary to carry out the purposes of this section.
(g) For purposes of this section:

"Pet store operator" means the owner of a place or premise where birds, mammals, or reptiles are kept for the purpose of offering the animals for sale.

"Rescue group" means an organization that is tax exempt under section 501(c)(3) of the Internal Revenue Code and that does not obtain animals from breeders or brokers for compensation."

"Sale" includes wholesale and retail transactions involving animals; the import or export, or both, of animals; and the disposition of animals by barter, gift, or exchange."

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

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:  

JAN 22 2019
Report Title:
Pet Store Operator; Dogs; Cats; Rabbits

Description:
Prohibits a pet store operator from selling a dog, cat, or rabbit unless the dog, cat, or rabbit was obtained from certain humane sources.

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